

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. ²¹⁵⁰ OF 2016

DIST-PUNE

In the matter of Article 226 of Constitution of
India;

And

In the matter of FIR No.149/13 registered on
8.12.2013 with Koregaon Park Police Station
under Sections 465, 467, 471, 120(B) of I.P.C.
is gathering dust at the Koregaon Park Police
Station & the IO not been investigating the
said FIR;

And

In the matter of the accused No.1, 2, 3, 4 & 6 who are foreigners, likely to abscond from the jurisdiction of the Indian Law Enforcing Agency for the offences committed in FIR No.149/13 registered on 8.12.2013 with Koregaon Park Police Station under Sections 465, 467, 471, 120(B) of I.P.C;

And

In the matter of the Petitioner's complaint dated 2.3.2016 addressed to the Respondent Nos.1 to 3 calling upon them to transfer the investigation to the CBI to ensure that the accused are brought to justice.

Yogesh Natwerlal Thakkar,)	
<i>Age - 57, occ - business</i>)	
Adult, Indian Inhabitant,)	
Residing at Flat No.1,)	
Anand Park, 368, Behind)	
Koregaon Park Police Station,)	
Koregaon Park, Pune-411 001.)	..Petitioner

Versus

1. State of Maharashtra,)
Thro' its Chief Secretary,)
Having office at Mantralaya,)
Mumbai-400 032.)
2. The Director General of Police,)
State of Maharashtra,)
Old Council Hall,)
Maharashtra State Police Head Quarters,)

S B Marg, Opp. Regal Cinema,)
Colaba, Mumbai - 400 039.)

3. The Commissioner of Police [Pune Police],)
2, Sadhu Vaswani Road, Camp, Pune-411 001.)

4. Sr. Inspector of Police,)
Koregaon Park Police Station,)
Koregaon Park, Pune.)

..Respondents

TO,

THE HON'BLE CHIEF JUSTICE AND
OTHER HON'BLE PUISNE JUDGES OF
THE HIGH COURT OF JUDICATURE
AT BOMBAY

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED:

MOST RESPECTFULLY SHEWETH:-

1. The Petitioner is a citizen of India and is staying at the address mentioned in the title of the Petition. The Petitioner is a disciple of Osho since 1979 and had lived and worked in the ashram in various departments till the year 1993-94. The petitioner is a selfless devotee of Osho and the Managing Trustee of "Osho Friends Foundation", a Public Charitable Trust registered at Pune under the provisions of The Bombay Public Trusts Act, 1950. This Trust is an association of the disciples of Osho, who have worked for more than 45 years 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 Centers around India and abroad.

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2. The Respondents are the Law Enforcing Agencies who ought to follow the Law of the Land and the directions of Hon'ble Courts. The Petitioner is compelled to move this Hon'ble Court under Article 226 of the Constitution Of India as the Respondent Nos.1 to 3 have failed to take any action on the Petitioner's detailed representation dated 2.3.2016 so also the Respondent No.4 and its I.O. also failed to start investigation in connection with FIR No.149/13 dated 8.12.2013. The Petitioner states that Respondent No.1 is the State of Maharashtra, the Respondent No.2 is the Director General of Police, the Respondent No.3 is the Police Commissioner, Pune Police, and Respondent No.4 is the Senior Inspector of the Koregaon Park Station and all are necessary and concerned parties for the purpose of adjudicating the Present Petition.

3. The Petitioner has lodged FIR No.149/13 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 Anand Jayesh,*
2. *Mr. D'Arcy O'Byrne alias Swami Yogendra / Anandraj,*
3. *Mr. Philip Toelkes alias Swami Prem Niren,*
4. *Dr. John Andrews alias Swami Amrito,*
5. *Mr. Mukesh Kantilal Sarda alias Swami Mukesh Bharti,*
6. *Mr. Klaus Steeg alias Pramod,*

The Petitioner states that the date of occurrence of the said offence is since year 1989 until date, the same is in respect to Forged Will of Osho [*Formally known as Bhagwan Shree Rajneesh*]. A copy of the forged will is enclosed herewith and marked as **Exhibit-A**. The Petitioner states that Accused No.1, 3 & 4 are parties

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on the forged Will, and Accused No.1 & 3 are beneficiary of the forged Will of Osho.

4. The Petitioner states that the accused persons are administrators and trustees of Osho Rajneesh Ashram situated at Koregaon Park, Pune. The Osho Ashram is governed presently by Two public Charitable trusts namely Neo Sannyas Foundation aka Rajneesh Foundation (Mumbai / Pune) and Osho International Foundation. Both the Trusts are having offices at 608 Maker Chambers V, Nariman Point, Mumbai 400021. The Petitioner states that few of the facts that needs to be apprised with respect of the Accused persons are hereunder:

- a. In February / March 2001 a Deportation Notice was issued by the Ministry of Home Affairs, New Delhi against the Accused No. 1, 4, 6 and their conspirators. In respect of the non-action of the Commissioner of Police, Pune an Application was filed on 17th December 2012, which is until date not acted upon. It seems that the Accused persons are powerful enough to postpone any inquires possible over them. A copy of the news clips referring to Deportation Notice along with Application filed on 17.12.2012 is marked as Exhibit-B enclosed herewith.
- b. Accused No.1 is the President of Osho International Foundation, Zurich since 5.12.1990 until date and he is the beneficiary in the Forged Will of Osho. 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. The Accused No.1 is a president of Osho International Presidium administering Osho's work in India and abroad. Accused No. 1, Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh is very secretive and known as "A man of mystery". Accused No. 1 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 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.

- c. Accused No. 2 is the younger brother of Accused No. 1. Both Accused Nos. 1 & 2 are members of Osho International Foundation, Zurich Switzerland [*Previously known as Neo-Sannyas International Foundation Zurich, Switzerland*].
- d. Accused No.3 Philip Toelkes 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." However vide judgment dated October 30, 2008 the Osho International Foundation lost the appeal and in consequence their applications for registration were cancelled. The Petitioner shall rely upon the said proceedings and Judgment dated 30.10.2008.
- e. The Osho International Foundation, Zurich through its member Trustees, all the accused except accused no. 3, have subsequently applied for Community Trademark registration before the "Office For Harmonization in the Internal Market" at Avenida de Europa, 4, 03080 Alicante, Spain, the Trademarks and Designs Registration Office of the European Union Trademark registration no. 1224831 and the same is being opposed by "Osho Lotus Commune e.V." in a proceeding pending under Application for Invalidation No. 5064C before the said office.
- f. Osho International Foundation, Zurich submitted a "Second Supplemental Witness Statement" of Mr. Philip Toelkes accused no. 3 hereinabove. The Para 25 of that "Second Supplemental

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Witness Statement" is addressing a true copy of the "Last Will and Testament of Osho" allegedly executed on 15th October 1989 at Pune. A copy of the "Second Supplemental Witness Statement" Exhibit-C is enclosed to the memo of this petition.

- g. Perusal of the contents of the alleged Will it is obvious that the will is subsequently created, as an afterthought, produced for the first time after a period of 23 years of the death of Osho under suspicious circumstances. In any case, the said alleged *Will* admittedly is not attested according to the strict provisions of law. Moreover there are reasons to believe that the alleged signature of Osho was fake and the alleged *Will* a forgery. It is obvious that all the accused were adversely affected by the judgment of the Appellate Court of US and hence conspired together along with the accused no. 3 Philip Toelkes to create a document purporting to be a *Will* of Osho. In order to ascertain whether the alleged *Will* is genuine or a fake the copy of the same was sent for an independent opinion to one Ms. Nicole Ciccolo Graphological Technical Expert and Consultant of the Civil and Penal Law Court Of Bologna, Italy. After examining the said document, the expert came to a conclusion that the alleged signature of Osho was a proven fake. Annexed herewith is the technical examination report dated 13.10.2013 as Exhibit-D.
- h. Petitioner sought the opinion of an expert Shri N R Parik, Examiner of Documents and Grapho Analyst from Aurangabad, India. After having carefully examined the questioned signature of Osho on the alleged will dated 15.10.1989 and comparing it with the admitted signature of Osho on a letter 6.2.1976, he came to the conclusion that the questioned signature of Osho on the alleged Will had been prepared by scanning and printing process by using the admitted signature as model. Annexed herewith is the opinion of Shri N R Parik dated 6.11.2013 as Exhibit-E.

- i. A copy of the alleged Will of Osho dated 15.10.1989 was sent for an independent opinion along with the admitted signature for verification and comparison to M/S J K Consultancy, a Hand Writing Expert and Document Examiner from New Delhi. The Complainant has received third report from the said M/S J K Consultancy a dated 9th November 2013. The Opinion received also confirms of the forgery in respect of signature of Osho on the alleged *Will*. Annexed herewith is the technical examination report dated 9.11.2013 as Exhibit-F.
- j. A copy of the alleged Will of Osho dated 15.10.1989 was sent for an independent opinion along with the admitted signature for verification and comparison to Dr. Michael Riess at Jakobstrasse 29 • 53783 Eitorf, Germany. The Opinion received also confirms of the forgery in respect of signature of Osho on the alleged *Will*. Annexed herewith is the technical examination report dated 8.11.2013 as Exhibit-G.
- k. All the accused have conspired together and dishonestly and fraudulently created this false document purporting to be the Will of Osho dated 15.10.1989 with intent to support a false claim or title to the intellectual properties of Osho as it is obvious that the accused are the beneficiaries of the gains yield from the properties of Osho through their private companies established in US, UK and India as trusts are under continuous deficit and loss due to siphoning off funds to these private companies by the trustees, which is direct loss of the national interest to Indian Government and the State of Maharashtra for millions of dollars per year and in furtherance of their criminal conspiracy produced through accused no.3 a true copy of the same in the proceedings pending before the "Office For Harmonization in the Internal Market" in European Union. The Accused No. 3 is admitting to be attorney for Osho as well as he has admitted to be an official representative of Osho International Foundation, Zurich Switzerland. And thus the accused persons are conspiring in the making of forged Will. And

therefore all the accused are guilty of having committed the offences punishable under section 465, 467 r/w. 120 B of the Indian Penal Code.

- l. The said forged will of Osho is alleged to have been executed and attested at Pune on 15.10.1989 however it was produced for the first time only in June 2013 in proceedings before the European Union when the complainant got knowledge of the existence of such forged will. Thus there is enough evidence to show that all the aforesaid offences have been committed by the accused at Pune.
- m. The Accused No. 4 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 as detailed in Exhibit-H herein 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 19th January 1990.
- n. On the day 19.1.1990 when Osho left his body (died), Dr. Gokul Gokani (Aged 80 years, who has been Osho's disciple since 1973) who was in the OSHO commune in Pune, was kept away from diagnosing Osho and was kept in the adjacent room and was asked to issue death certificate only after Osho left his body. Dr. Gokul Gokani has given an affidavit dated 14.12.2015 to the events that took place on the date when Osho left his body. Hereto annexed and marked Exhibit-I is the copy of Affidavit dated 14.12.2015 issued by Dr. Gokul Gokani, the contents therein be read as part and parcel of the present Petition. Upon perusal of the said Affidavit dated 14.12.2015 it is more than obvious that the Accused No.1 and 4 amongst other Accused persons did not want Osho to speak to Dr. Gokul Gokani and hence kept him away until Osho left his body, hence is suspicious that Accused persons No. 1

& 4 have some role to play in the demise of Osho. The Petitioner is in possession of the video transcription of Dr. Gokul Gokani statement which the Petitioner shall furnish to the Investigation Agency as and when called for.

- o. The Accused No. 5 Mr. Mukesh Sarada managing trustee of Neo Sannyas Foundation formally known as Rajneesh Foundation, Pune, as well as Osho International Foundation in Mumbai and Zurich, Switzerland; 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. The petitioner states that the accused persons having committed further offences on daily basis by fraudulently transferring income of the public charitable trust situated in Mumbai and Pune to their Private Companies and have siphoned 100's of crores of rupees where complaint dated 25.3.2016 against the accused person no.5 and his conspirators and other trustees of the trust was registered with Respondent No.4 u/s. 406, 409, 420, 120-B read with 34 of the I.P.C. by Mr. Kishore Raval alias Swami Prem Anadi which is not registered as FIR. Hereto annexed and marked Exhibit-I is the copy of complaint dated 25.3.2016 lodged by Mr. Kishore Raval alias Swami Prem Anadi with Respondent No.4.
- p. Accused No. 6 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 Accused No. 1 Michael Byrne in the field of publication all over the world. He is

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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. The petitioner states that the said hijacking of Osho's intellectual property rights and its income arising out of it worth millions of dollars per annum has been siphoned by the accused persons without taking prior permission from the Foreign Exchange Department, Reserve Bank of India, Mumbai and opinion to this effect issued by Chartered Accountant, M/s. Jayantilal Thakkar & Co. dated 12.12.2012 is annexed hereto and marked as **Exhibit-K**. And in furtherance the directions issued by Reserve Bank of India, Mumbai dated 05.06.2015 to enforcement department, New Delhi seeking further investigation in this matter is pending without any actions till date. Hereto annexed and marked as **Exhibit-L** is the copy of the letter dated 5.6.2015 issued by the Reserve Bank of India.

- q. Accused persons (Except Accused No. 3) are Trustees of Zurich, Switzerland based OSHO International Foundation situated at Bahnhofstrasse, 52, 8001, Zurich, Switzerland.
- r. These accused are members of the Inner Circle (Except Accused No. 3) created by Osho during his life time. All the accused persons are directly involved in the administrating and managing Osho's work in India and around the world.

5. The Petitioner states that, in furtherance to the above statements of facts, the offences committed by 6 accused persons are as under:

- i. The Accused Persons (*Except Accused No. 3*) are working as Benami Trustees along with their conspirators. Their conspirators are trustees

who are directors and shareholders of various companies through which they are successfully siphoning income rightfully belonging to the said Trusts in India to Switzerland, US, Ireland and Europe.

ii. Accused persons without any requisite permission of Foreign Exchange department are on daily basis, siphoning income and articles of Osho and said Trusts fetching revenues worth millions of \$ per annum outside the country.

iii. Shri Osho formally known as Bhagwan Shree Rajneesh was born in India on 11th December 1931 and attained Mahaparinirvana (demise) on January 19, 1990 in His ashram situated at Koregaon Park, Pune. Osho is an enlightened master and also known as one of the most revolutionary thinker / philosopher of our time. He has millions of disciples and admirers around the world. Osho's Samadhi is situated in His ashram at Koregaon Park Pune, India.

iv. At the time of Osho's Mahaparinirvana, (*demise*) on 19 January, 1990, Osho left for His disciples and mankind a colossal legacy as:

- Archive of 9,000 hours of audio discourses/ speeches in Hindi and English.
- Video Discourses/ speeches of 1,870 hours.
- Transcribed books in Hindi and English - 650 titles, which are now being translated in 65 languages around the world.
- His books are published on an average one book on every second day somewhere in the World.
- The Intellectual Property Rights (IPR), in digital and printed versions or any other forms are made available to the mankind.
- A state of art approximately 850 paintings made by Osho.
- One of the biggest private libraries in the world containing more than 80,000 books each book is read, marked and signed by Osho in His library is situated in His ashram at Koregaon Park, Pune, Maharashtra, India

- Osho Signature arts, original archives, meditation music and therapies created under His direct guidance.
 - The Osho Heritage / Legacy also include His Samadhi situated in His ashram at Koregaon Park, Pune 411001.
 - The Osho Legacy is recognized as great spiritual treasures of India.
- For the sake of brevity hereinafter referred to as Osho Legacy.
- v. The income received from this intellectual property is millions of US Dollars per annum. Aforementioned accused nos. 1, 2, 4, 5 and 6 are Trustees of OSHO International Foundation (Zurich, Switzerland) have established companies and trust out of India and are illegally transferring Intellectual Property Rights royalties' income of the said Indian trusts into it. The information regarding illegalities and offences committed by the Accused Persons, known to the Petitioner as well as many disciples of Bhagwan Shree Rajneesh worldwide. Since that time court cases were initiated against said trustees in America, Europe and Mumbai. Out of them, Judgment in Court of America has been delivered against said 6 trustees (*except accused no. 3 who is involved only in forging Osho's Will*) and in favor of disciples.
- vi. At present cases are going on against Accused No. 1, 2, 4, 5 & 6 trustees and their conspirators (*except No.3*) in the Courts of Europe and Mumbai. These cases are filed against them and their conspirators since they have transferred the properties and cash worth more than 800 Crores in their names and in the name of their company.
- vii. The accused herein have produced the Will in question in one of the proceeding in a court. After the said FIR filed at Koregaon Park Police station in 2013, the accused No. 1 on behalf of Osho International Foundation, Zurich Switzerland had withdrawn the forged will from the said court in Spain.
- viii. Thus, aforementioned accused are in collusion with each other for their benefit and in order to use income from various branches of OSHO Trust, Osho's intellectual property and other income have prepared

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"False Will" and submitted to the Court pretending that it is true and cheated by presenting it on 4.6.2013.

The Petitioner states that while lodging FIR No.149/13 dated 8.12.2013, he has furnished copies of Experts' Reports which sets out that the said "Will" prepared by the accused persons is forged, fabricated & fraudulent and hence offences under Sections 465, 467, 471, 120(B) of I.P.C. has been committed by the said 6 accused persons and the investigations in the said FIR has not commenced. Hereto annexed and marked Exhibit-M is the copy of FIR No.149/13 dated 8.12.2013 lodged against the accused persons u/s's 465, 467, 471, 120(B) of I.P.C.

6. The Petitioner states that the first information in the form of Written Complaint u/s. 465, 467 read with 120B of the Cr.P.C was lodged with the Koregaon Park Police Station and Commissioner of Police Pune on 18.11.2013 by the petitioner herein. Hereto annexed and marked as Exhibit-N is the copy of the Petitioner's complaint dated 18.11.2013. And the same is registered as FIR on 8.12.2013 and thereafter until date, investigation in the said FIR has not been initiated by the Koregaon Park Police Station and the said FIR No.149/13 is gathering dust since the time it has been registered. The Petitioner is sure that the Investigating Officer and the Senior Inspector of the Koregaon Park Police Station, have on purpose not proceeded with the investigation as the 6 accused persons who have enough clout to keep Police from investigating the offences committed by the accused persons. The Petitioner states that Accused persons have continued to commit further offences by fraudulently transferring OSO's Intellectual Property Rights to their Private Companies around the World and

have siphoned royalties of 100's of crores of rupees income of IPR rightfully belonging to the Indian Trusts outside India.

7. The Petitioner states that out of said 6 accused persons, on behalf of them, Mr. Philip Toelkes alias Prem Niren has presented "Will" dated 15.10.1989 of OSHO [*Alias Bhagwan Shree Rajneesh*] in the case in European Court. The Petitioner states that the said Will is prepared at Pune, none of the disciples have any idea or information about said Will, the said "Will" has been presented by these Trustees after 23 years (of OSHO's demise) and according to said "Will" Accused No. 1 Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh, has been claimed to have been designated by OSHO to use the rights and income from intellectual property of OSHO and income from other sources thereby in any manner as per their discretion. The Petitioner states that OSHO's personal belongings, Signature Paintings, Library books carrying OSHO's signatures are smuggled out of India.

8. The Petitioner states that if said Trustees have acquired such authority, then why they have not presented said "Will" prior to 2013 in Court case of America. After 23 years they have presented said "Will" in European Court, therefore this issue needs to be investigated by the Law Enforcing Agency. The Petitioner states that the disciples of OSHO worldwide have doubt in this regard and the offences committed by the perpetrators are gross, serious offences which are punishable by life or 10 years imprisonment. The Petitioner states that according to the findings of the experts at four different places, at Germany, Italy in Europe, Delhi and Aurangabad in Maharashtra, India; the signature on the said Will is not OSHO's personal signature, and it is obvious

that the Koregaon Park Police Station either do not wish to investigate or have no acumen to investigate the offences which has been committed by the perpetrators in India and abroad.

9. The Petitioner states that Koregaon Park Police Station has since last more than 2 years have been mute spectator to the offences committed by the accused persons. The Petitioner states that in view of the patronage of Koregaon Park Police Station, its officers with the accused persons, Petitioner does not believe that any purpose would be served in Koregaon Park Police Station, and the said FIR No.149/13 is gathering more dust in the said police station.

10. The Petitioner states that, Petitioner hence called upon Respondent Nos.1 to 3 vide his notice dated 2nd March 2016 to transfer the investigations to the Central Bureau of Investigation [CBI] so as to ensure that FIR No.149/13 registered at Koregaon Park Police Station on 8.12.2013 along with the detailed information provided in Written Complaint filed on 18.11.2013 is thoroughly investigated as the offences committed by the accused persons is frequently visiting India but staying abroad. The Petitioner states that most of the accused persons are foreigners and are frequently visiting India, they are not allowed to leave the Country and abscond from the jurisdiction of the Indian Law Enforcing Agency. The Petitioner states that Petitioner hence called upon Respondent No.1 to 3 to forthwith hand over and transfer the investigation in FIR No.149/13 registered on 8.12.2013 at Koregaon Park Police Station to the Central Bureau of Investigation [CBI] failing which Petitioner would be constrained to move the Hon'ble High Court seeking reliefs against them. Hereto annexed and marked Exhibit-O is the copy of notice dated 2nd March

2016 seeking to transfer the investigation to the Central Bureau of Investigation [CBI].

11. The Petitioner states that in the view of the fact, Koregaon Park Police Station is inefficient and by their callous omission, have failed to investigate FIR No.149/13 registered on 8.12.2013, ASMUCHAS that The crime committed by the Accused person is spread in International boundaries whereby Pune Police does not have jurisdiction to investigate. Hence, the Petitioner is compelled to move the present Petition on the following amongst other grounds :

G R O U N D S

- a. That, in order to copyright, trademark and siphon off benefits of Indian spiritual treasures, some foreigners have systematically smuggled and siphoned off Osho's work, articles and yogic meditation techniques. These work of Osho besides, having huge monetary considerations of millions of \$ per annum, is a rare spiritual heritage of India, which is a direct loss to National interests for generations to come. More over the purity of Osho's work will be destroyed forever in the hands of the accused persons.
- b. In spite of being aware of the said Deportation Notice issued in the year 2002 against the accused persons and in furtherance the said FIR bearing No.149/2013, it appears that the police department for some unknown reason is blindfolded to these accused persons (all foreigners) to continue to commit offences till date freely without investigations of the offences committed by them.
- c. The severe violation of foreign exchange transactions taking place in Zurich, Switzerland, U.S. and U.K. on daily basis

is direct loss to the national and the state revenue for millions of dollars per year. In addition to the spiritual consideration which is beyond the monetary value of Yogi Tradition of India being illegally attempted trade marking outside the country will cause loss of the Indian Spiritual Heritage forever for generations to come. Hereto annexed and marked Exhibit-P is the list of the companies which the accused persons are operating.

- d. As the accused in the FIR are foreign nationals, this investigation will attract places situated outside India where, CBI is the Competent Authority for further investigation.
- e. In spite of Deportation Notices issued by the Home Ministry New Delhi sine 2001-2002, the Pune Police is not taking any actions against few of the accused persons.
- f. That these are the same foreigners who are accused in forgery of Will of OSHO and siphoning of funds, transferring intellectual properties and valuable articles outside India. These intellectual properties and income attached thereby is worth millions of dollars per year is direct loss of 'National Interests'. Whereas, for the disciples of Osho it is beyond value and is a great Spiritual Heritage of India.
- g. That series of non-action on the part of Pune Police against the accused persons shows absolute necessity that the foreigners involved in this crimes shall not leave India and further investigations shall be carried out by CBI.
- h. That the Hon'ble Apex Court in various judicial precedents have laid down law that discovery of truth is the ultimate

purpose and it can be done best by an independent agency & Court should not be hesitant to direct CBI investigation to promote cause of justice and for having a fair, honest and complete investigation, so also where the incident may have national and international ramifications and the present case is also one of the national and international ramifications, therefore investigation by CBI is very necessary in the present matter.

- i. That the Hon'ble Apex Court vide its 3 Judge Bench, decided on 13.12.2013 in the matter of Manohar Lal Sharma V/s Principal Secretary &Ors. reported in (2014) 2 SCC 532 have been pleased to lay down ratio that when its brought it to the domain of the Constitutional Court, the Constitutional Court has the jurisdiction to direct CBI to investigate and the monitoring of investigations/inquiries by the Court is intended to ensure that proper progress takes place without directing or channeling the mode or manner of investigation, the whole idea is to retain public confidence in the impartial inquiry/investigation into the alleged crime; that inquiry/investigation into every accusation is made on a reasonable basis irrespective of the position and status of that person and the inquiry/investigation is taken to the logical conclusion in accordance with law. The Hon'ble Supreme Court has been pleased to observe as under:

"38. The monitoring of investigations/inquiries by the Court is intended to ensure that proper progress takes place without directing or channeling the mode or manner of investigation. The whole idea is to retain public confidence in the impartial inquiry/investigation into the alleged crime; that inquiry/investigation into every accusation is made on a reasonable basis irrespective of the position and status of that person and the inquiry/investigation is taken to the logical conclusion in accordance with law. The monitoring by the Court aims to

lend credence to the inquiry/investigation being conducted by CBI as premier investigating agency and to eliminate any impression of bias, lack of fairness and objectivity therein.

39. However, the investigation/ inquiry monitored by the court does not mean that the court supervises such investigation/inquiry. To supervise would mean to observe and direct the execution of a task whereas to monitor would only mean to maintain surveillance. The concern and interest of the court in such "Court-directed" or "Court-monitored" cases is that there is no undue delay in the investigation, and the investigation is conducted in a free and fair manner with no external interference. In such a process, the people acquainted with facts and circumstances of the case would also have a sense of security and they would cooperate with the investigation given that the superior courts are seized of the matter. We find that in some cases, the expression "Court-monitored" has been interchangably used with "Court-supervised investigation". Once the court supervises an investigation, there is hardly anything left in the trial. Under the Code, the investigating officer is only to form an opinion and it is for the court to ultimately try the case based on the opinion formed by the investigating officer and see whether any offence has been made out. If a superior court supervises the investigation and thus facilitates the formulation of such opinion in the form of a report under Section 173(2) of the Code, it will be difficult if not impossible for the trial court to not be influenced or bound by such opinion. Then trial becomes a farce. Therefore, supervision of investigation by any court is a contradiction in terms. The Code does not envisage such a procedure, and it cannot either. In the rare and compelling circumstances referred to above, the superior courts may monitor an investigation to ensure that the investigating agency conducts the investigation in a free, fair and time-bound manner without any external interference.

57. The fact that the investigation is monitored by the constitutional court is itself an assurance that investigation/inquiry by CBI is not actuated with ulterior motive to harass any public servant and the investigating agency performs its duties and discharges its responsibility of fair and impartial investigation uninfluenced by extraneous considerations."

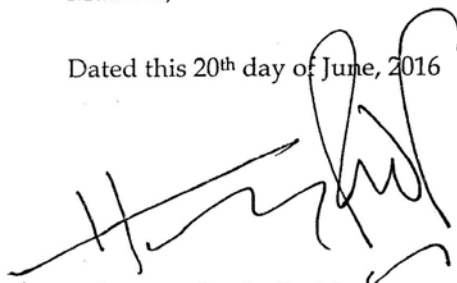
12. The Petitioner in the aforementioned facts mentioned in this Petition and the Grounds adopted by the Petitioner herein, seeks Prayers as prayed for in Para.17 of this Petition. And the Petitioner has not filed any other proceedings before this Hon'ble Court or any other court arising out of the subject matter of the present petition.
13. The Petitioner is residing at Pune, and the Respondents are having their offices in Pune City and Mumbai and offences are committed by the accused persons in India so also abroad and more particularly Forged Will is created at Pune and Petitioner has lodged his Complaint & Notice at Pune, therefore this Hon'ble Court has the jurisdiction to entertain, try and dispose of the present petition.
14. The Petitioner has paid the necessary court fees on the present Criminal Writ Petition.
15. The Petitioner has no other efficacious and alternative remedy, except approaching this Hon'ble Court by filing the present Criminal Writ Petition.
16. The Petitioner craves leave to add, alter and modify the above said grounds with the leave of this Hon'ble Court.
17. The Petitioner therefore prays:-
- a. This Hon'ble Court be pleased to issue appropriate writ transferring the investigation in respect of the FIR No.149/13

dated 8.12.2013 registered with Koregaon Park Police Station, Koregaon Park, Pune, complaint dated 18.11.2013 and the detailed facts referred to in the present Cri. Writ Petition including the suspicious demise of Osho, to Central Bureau of Investigation (CBI) for conducting impartial and fair investigation in the matter in accordance with the law against all the accused persons and report to this Hon'ble Court the progress of the investigation;

- b. This Hon'ble Court be pleased to issue appropriate writ directing the Commissioner of Police, Pune Police to furnish all report of the actions taken on the FIR No.149/13 dated 8.12.2013 registered with Koregaon Park Police Station, Koregaon Park, Pune, so also Petitioner's complaint dated 18.11.2013;
- c. That pending the hearing and final disposal of the Petition, the Investigation Agency be directed not to allow the Accused Person Nos.1 to 6 to leave the Country;
- d. That interim and ad-interim reliefs in terms of prayer clauses (a to c) above be granted.
- e. 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 20th day of June, 2016



Advocates for the Petitioner

PETITIONER

VERIFICATION

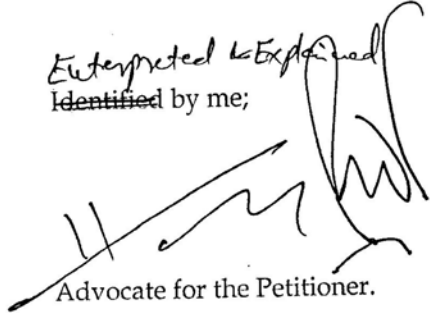
I, Yogesh Natwerlal Thakkar, the Petitioner above named, do hereby solemnly declare that what is stated in Paragraph Nos. 1 to 10 is true to my own knowledge and that what is stated in the remaining Paragraph Nos.11 to 16 is stated on information and belief and I believe the same to be true.

Solemnly declared at Mumbai)

Dated this 20th day of June, 2016)

Before me,
Assistant Master/ Associate,
High Court, Bombay.

Entered & Explained
~~Identified~~ by me;



Advocate for the Petitioner.

Identified by me

class

A

IN THE HIGH COURT OF JUDICATE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. ²¹⁵⁰ OF 2016

DIST-PUNE
..Petitioner

Yogesh Natwerlal Thakkar

V/s.

1. State of Maharashtra & Ors.

..Respondents

SYNOPSIS

Sr. No.	Dates	Events
1.	June, 1989	False & Forged Will came to be prepared in the year 1989 and the same came to the knowledge of the Petitioner in the month of June, 2013.
2.	12.12.2012	Opinion of Chartered Accountant, Jayantilal Thakkar Associates in respect of FERA & FEMA applied to Osho's intellectual properties.
3.	17.12.2012	Petitioner issued a letter dated 17.12.2012 addressed to the Commissioner of Police, Pune requesting immediate investigation in the matter of deportation notice of 2002 issued by the Home Ministry, New Delhi against the Accused.
4.	4.6.2013	Petitioner came to know about the forged Will in Second Supplemental Witness Statement submitted by the Accused No.3 on behalf of all the accused in Spain.
5.	13.10.2013 6.11.2013 8.11.2013 9.11.2013	Forensic investigations carried out in respect of the forged Will in Italy, Germany, Aurangabad (Maharashtra) and New Delhi, evidencing the signature of OSHO as being forged by the accused.

B

6.	22.5.2013	Trade Register of Zuerich, Switzerland indicating name of the accused on the board of Osho International Foundation.
7.	18.11.2013	Petitioner filed police complaint addressed to Respondent No.4 seeking investigation into forged Will of Osho.
8.	8.12.2013	Pursuant to the Petitioner's complaint dated 18.11.2013, FIR No.149/2013 came to be registered by the Respondent No.4.
9.	5.6.2015	Reserve Bank of India, Foreign Exchange Department transfers investigations to Directorate of Enforcement, New Delhi.
10.	14.12.2015	An Affidavit was executed by Dr. Gokul Gokani, who had issued Death Certificate of Osho AKA Bhagwan Shri Rajneesh on 19.01.1990.
11.	2.3.2016	Petitioner wrote a letter addressed to the respondent nos.1 to 3 seeking their intervention and transfer of the investigation to CBI.
12.	25.3.2016	Kishor Labhshankar Raval @ Swami Prem Anadi lodged a police complaint against the trustees of Osho International Foundation regarding alleged transfer of funds and income belonging to Public Charitable Trust in the name of the private companies hold by the trustees including accused No.5.

C

POINTS TO BE URGED:

- a. That, in order to copyright, trademark and siphon off benefits of Indian spiritual treasures, some foreigners have systematically smuggled and siphoned off Osho's work, articles and yogic meditation techniques. These work of Osho besides, having huge monetary considerations of millions of \$ per annum, is a rare spiritual heritage of India, which is a direct loss to National interests for generations to come. More over the purity of Osho's work will be destroyed forever in the hands of the accused persons.
- b. In spite of being aware of the said Deportation Notice issued in the year 2002 against the accused persons and in furtherance the said FIR bearing No.149/2013, it appears that the police department for some unknown reason is blindfolded to these accused persons (all foreigners) to continue to commit offences till date freely without investigations of the offences committed by them.
- c. The severe violation of foreign exchange transactions taking place in Zurich, Switzerland, U.S. and U.K. on daily basis is direct loss to the national and the state revenue for millions of dollars per year. In addition to the spiritual consideration which is beyond the monetary value of Yogi Tradition of India being illegally attempted trade marking outside the country will cause loss of the Indian Spiritual Heritage forever for generations to come.
- d. As the accused in the FIR are foreign nationals, this investigation will attract places situated outside India where, CBI is the Competent Authority for further investigation.
- e. In spite of Deportation Notices issued by the Home Ministry New Delhi sine 2001-2002, the Pune Police is not taking any actions against few of the accused persons.

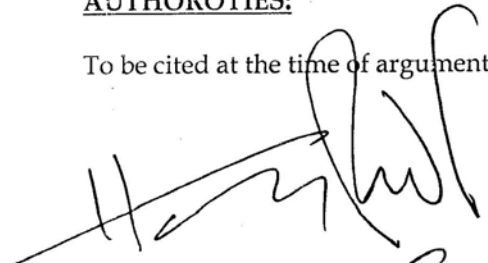
- D
- f. That these are the same foreigners who are accused in forgery of Will of OSHO and siphoning of funds, transferring intellectual properties and valuable articles outside India. These intellectual properties and income attached thereby is worth millions of dollars per year is direct loss of 'National Interests'. Whereas, for the disciples of Osho it is beyond value and is a great Spiritual Heritage of India.
- g. That series of non-action on the part of Pune Police against the accused persons shows absolute necessity that the foreigners involved in this crimes shall not leave India and further investigations shall be carried out by CBI.

ACTS:

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



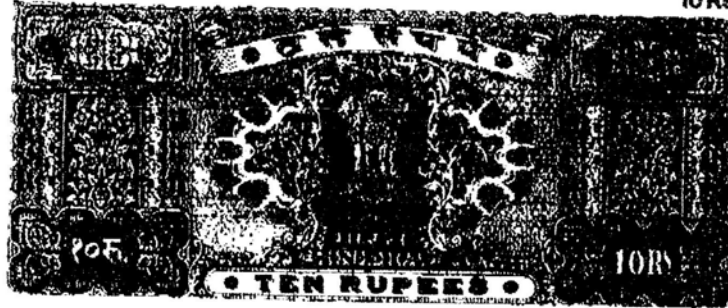
Advocate for the Petitioner.

Exh-A
24

9

29

10Rs.



16 JUN 1989

15
D. SHARMA
CHAMPAL & SONS
ADVOCATES & SOLICITORS
BROOKING STREET
BOMBAY 400 002

LAST WILL & TESTAMENT
of OSHO

RECITAL. In 1975, 1978 and 1981, I executed assignments concerning my work. Also in 1981, I executed a broad power of attorney with the stated intention to divest myself of all worldly property, and also an amendment in 1982, with the result that all such property is now owned by Neo Sannyas International Foundation, a Swiss charitable entity. To be completely certain that all such property interests are so divested, I make this Last Will and Testament.

LAST WILL & TESTAMENT. Being of sound mind, and acting of my free will, I make this Last Will and Testament.

I, Osho, birth name Chandra Mohan Jain, formerly known as Bhogwan Shree Rajneesh, hereby devise and bequest any and all right, title or interest of any nature in any and all property of any nature and in any form, owned by me, now or in the future, including but not limited to, all ownership, publishing or related rights, to all my work, published to date or in the future, in any form, to Neo Sannyas International Foundation.

If for any reason that entity cannot or does not accept this bequest then the alternate beneficiary shall be a non-profit, charitable entity dedicated to the dissemination of my work, such entity to be designated by my executor.

EXECUTOR. I name as my executor Sw. Anand Jayash, aka Michael O'Byrne.

Executed this 15th day of October, 1989, at Poona, India.

~~OSHO~~

25

LAST WILL & TESTAMENT
of OSHO
(page 2.)

I agree to serve as Executor.

[Signature] Sw. Anand Jayesh

[Signature] aka Michael O'Byrne

Executed on October 15, 1989, at Poona, India.

ATTESTATION. We, the undersigned have witnessed the signatures of
Osho and Sw. Anand Jayesh and each other, to this document on
October 15, 1989.

[Signature] Sw. Anirto

[Signature] aka John Andrews

[Signature] Sw. Prer Niren

[Signature] aka Philip Footkes

They are running the management of the Osho Ashram with subservient Indian people. This public theft in broad day light is successfully done with the installation of "benami" trustees into the various Trusts and Foundations created for that purpose not only in India. They are manipulating accounts and the flow of income of Osho's Charitable Trusts and the private companies hold by these trusts personally on an international level. Furthermore, they are transferring Osho's personal articles outside the country for further manipulations. Most of these activities are illegal and most likely criminal.

Important: it is not the trust or foundation which is committing illegal activities and even crimes – this is exclusively done by the people mentioned in the deportation notice and some of their obedient helpers. Any opponent will be thrown out or "banned" from the ashram premises. For example, Osho's disciples are banned from entering Osho's Samadhi and Ashram by these foreigners in India for challenging the manipulations by these foreigners. How strange! In India, Indian people are banned from entry by foreigners on such illegal grounds!

Before these people will commit more crimes and create more damage to Osho's National Heritage, we request you to restore the investigations of the said deportation notices without any further delay. Even if the persons stated below are not the part of the said deportation list, please do make proper investigations into these persons' alleged involvement in crimes in India.

At present they are most likely either in Osho Ashram, Koregaon Park, Pune or in Mumbai in Hotel Oberoi, in Hotel Trident or in Hotel Taj Mahal Palace. During last many years, rooms were booked either their names or their Indian national helpers. Their names could be e.g. Mr. Mukesh Sarda or Mr. Devendra Singh Deval. Or, the rooms could be booked in the name of private limited companies such as Osho Multimedia & Resorts Pvt. Ltd. or the trust's name like Osho International Foundation or Neo-Sannyas Foundation.

The FRRO Mumbai or FRO Pune would be able to give proper details of these persons. There are rumours, that some of them are holding different passports.

Names of the persons (addresses mentioned below are those different from the commonly used '17, Koregaon Park, Pune' as in most of the documents!):

1. Mr. **Michael** Byrne (previously **O'Byrne**) aka Swami Jayesh – Canadian citizen,
(address was Paradise Valley, Arizona, USA and now Hong Kong)
is the official head of the two most powerful organisations of the movement: Osho International Foundation (OIF) and the Inner Circle (now Osho Presidium). OIF and its derivative organisations are owners of many private limited companies all over the world doing business in the movement;
2. Mr. **D'Arcy O'Byrne** aka Swami Yogendra - Canadian citizen,
(address varies in documents between USA and UK)
is brother of No.1 and managing some of the movement's private businesses in US and UK;

3. **Dr. John Andrews** (previously known as "George Alexander Stowell Wynn-Aubrey Meredith" or in short "George Meredith") aka Swami Anrita - British citizen,
(addresses changing in UK) is now the head of the day-to-day affairs of the Osho Ashram, Pune, and is managing the movement's private businesses in UK.
4. **Mr. Klaus Steeg** aka Swami Pramod - German national, some sources show US or UK citizenship,
(address mostly New York) is managing the most profitable and powerful businesses of the movement from New York, and is also involved in the UK.
5. **Ms. Ursula Hoess** aka Ma Vatayana - German citizen,
(address as given in a court case in Europe is Waldenbuch/Germany) is head of the Global Connections department, ruling Osho Centres worldwide and working under direct instructions from Nos. 1, 2 and 3.
6. **Ms. Marie Anne Hemeryck** aka Ma Gatha - Belgian(?) citizen
(sorry, no address information available to us) is most of the time working at the 'Welcome Center' in Osho Ashram, Koregaon Park, Pune; ruling the visitors of the Osho Ashram and working under direct instructions from Nos. 1, 2 and 3.

The proof of the given facts is available. We would appreciate your immediate actions in this regard.

These persons are refusing notices of the courts in several charges pending before the Charity Commissioner, Mumbai, bearing application nos. 4/ 2012 and 5/ 2012.

If the information available to us is not matching the facts known to you, we would like to get the missing information as follows:

1. The names of the persons included in the said deportation notice.
2. The present status of the said deportation notice and the reason for its 'non-compliance'.

Thanking you

Yours truly



For Osho Friends Foundation


Encl.: News clips of *Times of India* and *India Today*

List of addresses for copies of this letter

29

Copies of this letter with registered post to:

1. Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi - 110 001
2. Home Ministry Maharashtra
Mantralaya,
Mumbai - 400001
3. FRRO Mumbai
3rd floor, Special Branch Building,
Badruddin Tayabji Lane, Behind St. Xaviers College,
Mumbai - 400001
4. High Commission of Canada,
7/8 Shantipath, Chanakyapuri,
New Delhi - 110 021
5. British High Commission,
Chanakyapuri,
New Delhi - 110021
6. German Embassy,
No. 6/50G, Shanti Path,
Chanakyapuri,
New Delh - 110021
7. U.S. Embassy,
Shantipath, Chanakyapuri,
New Delhi - 110021



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After decades of neglect, the Indian Government is taking radical measures to bring the Indian diaspora closer. >

NRI DIARY

CURRENT ISSUE MAY 13, 2002


NEWSNOTES: DESPATCH

Something Rotten in Osho's Kingdom

If you're looking for serenity, chances are you won't find it at the Osho commune in Pune's Koregaon Park right now. Six foreign members of the Inner Circle—a group of 21 Oshoites who were appointed by Bhagwan Rajneesh aka Osho before his death in 1990 to manage his empire—are under scrutiny by the Home Ministry, which has issued notices that they be deported as soon as they enter India. Says Sanjoev Verma, DSP, Pune Special Branch, "We have orders to deport certain foreigners and ban their entry into the country." But Swami Prem Jayesh, alias Canadian Michael O'Byrne, chairman of Osho Inc, is apparently above such worldly restrictions. He has lobbied to have the Home Ministry order against him cancelled, and has succeeded. This has flummoxed the Pune Special Branch, which has asked the Intelligence Bureau in Delhi what to do about the remaining five notices.

The other five members are currently abroad. Most of them were deported in 1985 just before the Ministry of External Affairs imposed a blanket ban on the entry of Osho's foreign followers into India. But that does not seem to have stopped them—many allegedly hold several fake passports in different names and have been living in India for years. Police suspect a link with a Pune-based gang that runs a fake passport racket. Also under the microscope will be the accounts of over 22 trusts that manage the affairs of the commune.

The inquiry will bolster the case of the Indian members of the commune who are battling the Jayesh-led group for control of the \$100 million Osho empire, often with help from friends of their own.




PEACE IS ELSEWHERE: The commune in Pune

-Sheela Raval

GOLDEN PUMPKIN

Given the number of dilettante politicians in the Rajya Sabha, perhaps newly elected MP Laloo Prasad Yadav, consort of the chief minister of Bihar, cannot be blamed for seeking an alternative career. After all, the facilities of the VIP jails he's been to recently pale in comparison with the pleasures of an air-conditioned television studio. First the man who loves cows—and allegedly did his best to milk Bihar dry between 1990 and 1997—preened his Sadhna cut on Zee TV's Jeena Isi Ka Naam Hai. Now comes news that the RJD president is considering an offer to host a show on Sahara TV. Perhaps he is only emulating out-of-work former US President Bill Clinton who, it appears, will be hosting CBs' The Early Show.

But don't go comparing him with an actor. Actors have a limited canvas while "main to samej ka doctor hoon. Mera daayra bahut bara hai (I am a doctor of society and politics. My canvas is larger than others)". Yet so obsessed has Laloo become with the medium that he's often found telling TV journalists which angle to shoot from. You can't even tell him it's not cricket because he's the president of the Bihar Cricket Association.



HAIR, THERE AND EVERYWHERE: Laloo

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November 30, 2002

IN-DEPTH COVERAGE

Deportation

Deportation notices ready, but police can't find Oshoites

Abhay Vaidya, INN Apr 8, 2002, 12:09pm IST

pune: the mystery surrounding the six inner circle (ic) members of the osho commune against whom deportation notices were issued last year has further deepened. while declining to reveal the names of the six members or the reasons why the notices were issued, the pune police have confirmed that they have been unable to serve the notices as the whereabouts of these persons were not known. the official version is that since the inner circle members did not visit the commune over the last year, the police have been unable to serve the notices. however, the question then arises as to where these persons are, as deportation notices are served against unwanted foreign nationals residing in the country. "leave india notices were issued against six members of osho commune's inner circle in february/march 2001. however, we have not been able to serve them as none of these persons have visited the commune," deputy commissioner of police (special branch) sanjay verma said while speaking to this newspaper. he also said that a few days ago, the deportation notice against one of the six members had been cancelled. the police were also unable to confirm whether the persons against whom notices were issued were within or outside the country. responding to queries from times news network, osho commune spokesperson prem richa said the osho inner circle currently has 18 members, five of whom are from india. the indian members and five other members are currently at the commune, he added. interestingly, the 18 names provided by the commune spokesperson include swami jayesh (canadian, michael o'byrne), swami amrito (british john andrew), swami sahanand (german peter kreutzfeld), swami pramod (klaus steg) and swami mukesh (mukesh sarda). these five members are considered to be the most powerful members of the osho international foundation which is based in zurich and operated from new york and which controls the affairs of the osho worldwide. the commune has been in the midst of a controversy over the past few years after a split in the organisation and allegations that the commune headquarters were being shifted outside india. even as the rebel group of oshoites has charged that they have been barred from entering the commune premises, the mystery of the deportation notices has become a matter of discussion among a large number of osho followers who are unable to verify facts in the absence of any information. meanwhile, former commune spokesperson chaitanya koorti has appealed to the chairman of the city's heritage committee urging it to protect the gautama the buddha auditorium in pune's osho commune from demolition and commercial buyers.

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Second Supplemental Witness Statement

I, Philip Toelkes, also known as Prem Niren, hereby declare that:

1. All the statements made herein are true and from my personal knowledge and recollection. Where I have made statements from another source, I have identified that source and believe the facts to be true. I am competent to make this witness statement. My address is 90 Baywood Village Rd. #51, Sequim, Washington, USA 93882.
2. Scope of statement. This statement responds to questions raised by Lotus in its brief of January 4, 2013, and mischaracterizations of the documents of rights transfer and US copyright, contract and intellectual property. It will not restate the facts set forth in my earlier statements.
3. Qualifications. My first statement set forth generally my background and relevant experience. That material will not be repeated here. My qualifications to address the legal effect of the documents of rights transfers from Osho, as well as the subsequent transfer documents, under US contract and copyright law are set forth below in para. 5.
4. Introduction and Summary. Toelkes' statements factual. Lotus' intemperate characterizations of OIF's statements, including my own, wherein the use of such adjectives moved me to carefully review my earlier statements. I find nothing in the way of unsupported *ad hominem* attacks, as is unfortunately the case in the Lotus' brief. I find factual statements and some legal characterizations, to which Lotus has not offered controverting evidence, offering instead factually unsupported characterizations.
5. Toelkes' credentials re legal effect of documents of rights transfer. Lotus is correct in asserting that I have presented no bona fides as an expert in trademark registrations. I had no such experience or credentials in the early 1980s, at the time of the creation of the documents of rights transfers about which I opined, and I have little more now. But I had then a good deal of experience in drafting, working with, and litigating the kinds of documents in question: contracts, powers of attorney, assignments and licenses. In fact, it was the majority of my work in my legal practice.
6. Until mid 1981, I was a partner at Manatt Phelps in Los Angeles, then the fastest growing law firm in the United States, now one of the most respected firms in California and the United States. <http://www.manatt.com/AboutUs.aspx> I was a litigation partner with emphasis on financial institutions and entertainment companies, and prosecuted litigation in a wide range of areas, but primarily concerning contracts, real estate, and intellectual property, including copyright and trademark infringement and misappropriation of name and likeness, the first and last of which bear directly on my experience and competence in the areas in question as discussed below. I litigated several copyright infringement cases in federal district court, including the *Lear* case.

discussed below. As to trademark, I litigated one trademark infringement case in federal district court in Los Angeles. I was a research assistant for two years to Professor J. Thomas McCarthy on the first edition of his trademark treatise, *McCarthy on Trademarks and Unfair Competition* (published by Thomson-Reuters-West) researching a variety of issues relating to US trademark law. (A link describing Prof. McCarthy and his work is <http://www.mofo.com/J-McCarthy/>.) I litigated appropriation of name and likeness cases for several years on behalf of an actor named Shaun Cassidy and a singer named Linda Ronstadt against Universal Studios and the Mars candy company, respectively, as well as several other such cases. After leaving Manatt Phelps, I served as Osho's personal attorney and as the attorney for Rajneesh Foundation International for a number of years as is described in my initial statement in this proceeding.

- 7. Limited relevance of documents of rights transfer. Those qualifications are relevant here only in light of Lotus' legal characterizations and conclusions concerning the document of rights transfer: 1) the 1982 Assignment and Amendment to Power of Attorney ("Assignment/Amendment") (Exhibit PT2 to my initial statement. A copy is made Exhibit 1 hereto for ready reference.), and; 2) the 1983 Assignment from the agent under the Assignment/Amendment to Rajneesh Foundation International ("RFI") (Exhibit PT3 to my initial statement. A copy is made Exhibit 2 hereto for ready reference.) While the US law of trademark has no relevance to the decision before this body, the documents of rights transfer, addressed at length at pp. 12-18 of the current Lotus brief, are of some, albeit limited, relevance to the issues to be decided in this proceeding. They are relevant to Osho's intent, efforts at the time to give effect to that intent in the legal documents created at the time, and the rights transferred thereunder. While I would not presume to brief the law on EU trademark, I am well qualified to address the controlling US law of contracts and copyright as it relates the documents in question, in contrast to Lotus' apparent and understandable lack of experience with or understanding of the US law of contracts and copyright. In any event, in my experience, we do not expect courts or administrative bodies to take our word for the state of the law. Because of this courts unfamiliarity with the body of US copyright and contract law, I will briefly set out the relevant authority.
- 8. Legal effect and authentication of documents of rights transfer. Lotus questions both our earlier legal discussion of the 1982 Assignment/Amendment and the 1983 Assignment as well as the authentication thereof. (See pp. 12-18 of Lotus brief of 4 January 2013.) I analyze the issues concerning the intent and validity of the documents under controlling US authority in the paragraphs immediately following. Lotus' questions re authentication are puzzling in light of the lack of a formal authentication requirement in this proceeding, as that has been reported to me, and Lotus' total failure to offer evidence authenticating any document offered by it, precious few as actual supporting documents are. On review of my earlier statement, I note that I did provide authentication though not that required by a court of law in the U.S., because of the lack of formal evidentiary requirements in this proceeding. More complete authentication is provided in the paragraphs below where the documents are specifically discussed. I trust this will satisfy Lotus' legal devotion to OIF authentication, though Lotus' commitment to authentication does not extend to the documents upon which it relies.
- 9. Lotus brief on legal effect of rights transfer documents. The Applicant's core legal analysis/criticism of the documents of transfer may be found at pages 11 and 12 of their brief, as follows: "The 'legal documents establishing Osho's intent to exclusively grant the exclusive use of his name as a trademark to entities which give effect to Osho's

intention' ...do not exist." "The alleged assignment of 'all copyrights, trade names, trademarks and any other property' by Osho in 1982 ...is irrelevant as it does not contain any assignment of IP rights. The 'assignment' language in this document relates to the purported 'transfer' of powers of attorney and is merely part of the alleged amendment to an earlier power of attorney. Intellectual property rights are mentioned only in the grant of powers. In addition, this document could concern only rights which already existed in 1982.... It is amazing that a person who alleges to have practiced as an attorney for over 40 years does not know a Power of Attorney from an Assignment and does not know that one cannot assign a right that does not exist...."

10. In sum, Lotus states that there is no valid assignment, that there was no grant of IP rights, that no rights to future work can be validly transferred, and that I am an incompetent liar to say so. We will review the facts and law to assess the correctness of Lotus' statements.

11. Primary relevance here is intent, not legal effect. While I will show that the US law is conclusive in establishing the legal effectiveness of the documents in question, please recall that the primary purpose in offering the documents was to show Osho's intention and that of the assignees with respect to the right to disseminate Osho's words and meditations and to use Osho's name in commerce in that work. I will present the law to be applied to the analysis, and then consider the documents in light of the applicable law. But first I will address Osho's intent and that of the agent/assignee and subsequent rights owners.

12. Osho's intent was to grant exclusive control over the use of his name to OIF's predecessors in interest. The 1982 Assignment/Amendment states specifically that it grants a power of attorney and is also an assignment of all the property addressed therein: "I execute this document to more completely state my intention to maintain my separation from worldly activities and divestiture of all worldly possessions. My grant of power and authority to Ma Anand Sheela includes not only the power to act for me, but also the transfer and assignment of all such power and authority..." The document further states that the grant of authority and assignment specifically includes: "11. ...my name, likeness, writings, copyrights, trademarks, trademarks, and any other property...to which I am now legally entitled or shall become entitled in the future as if such things were her own...."

13. Osho was aware of the transfer of rights to OIF and the work OIF done by OIF related thereto and never acted to withdraw or modify his clear and total disposition of those rights. In my legal work for OIF from 1986 to Osho's death in 1990, I was personally present and participated in conversations with Osho wherein it was clearly communicated and understood that the work which had been performed in the United States was now being performed by OIF, initially under its earlier name. Osho understood that leaving the United States in November of 1985 resulted in such changes, and he approved same. While Osho was involved in detailed discussion of the legal reasons for the structural changes, or the details of the corporate structures, he did understand that the structures were created and used to implement and control the dissemination of his work and the related use of his name and likeness.

14. Intent of subsequent assignor similarly clear. The 1983 Assignment by the agent appointed under the Assignment/Amendment is clear. It refers to the 1981 power of attorney and the 1982 Assignment/Amendment as the source of authority. It also refers

to the assignment of rights to the agent. It then states: "I hereby grant, transfer and assign to Rajneesh Foundation International (OIF's predecessor in interest) absolutely any and all right, title and interest of any description which is or may remain vested as of this date in Bhagwan Shree Rajneesh, or which may be or become vested in the future with respect to His name, likeness, utterances, writings, copyrights, trademarks and/or tradenames..." The grant is broad and unqualified and applies to present and future works.

15. In drafting the documents of transfer, the broadest possible transfer possible was requested by Osho and given effect in the documents so drafted. In drafting the documents, we were following Osho's stated instructions, which were stated by Osho in my presence, to draft the broadest and most complete transfer of present and future rights that was possible. That is what we did, and the 1982 Assignment/Amendment reflects that effort to comply with the stated wishes of the client, Osho. In including "trademark" as well as "name and likeness" in the documents, we were drafting as broadly as possible, even though Osho personally was not using his name as a trademark. He was, however, giving permission to use his name as a trademark, by giving permission to use his name and likeness to the foundation which does all trading of his assigned IP Rights and work. (See legal discussion below in paragraphs 16 through 23.)

16. A US federal court accepted the 1983 Assignment as valid and admissible evidence, and, in reliance thereon, granted Rajneesh Foundation International, OIF's predecessor in interest, a partial summary judgment ruling that Rajneesh Foundation International was the owner of all the registered copyrights. The case, *Lear v. Rajneesh Foundation International*, was earlier discussed in my initial statement. The court stated as a basis for its decision: "Rajneesh (Foundation International) is the assignee of a properly recorded instrument giving it all rights, title, and interest in and to the copyrighted works of the Bhagwan." The court was referring to Exhibit 2 hereto, PT3 to initial statement, which was submitted as evidence by me in the case. (The partial summary judgment was entered prior to the partial summary judgment offered as Exhibit PT4 to my initial statement in this proceeding. A true copy of the partial summary judgment of October 1, 1984, is made Exhibit 3 hereto. It was obtained from the US federal court archive. I can also personally authenticate the document as having been received by me by mail as attorney for Rajneesh Foundation International in the case shortly after the date thereof and reviewed by me at that time.) Thus it is established that the parties considered the documents to be valid and binding, as did a U.S. federal court.

17. US law to be applied to interpretation of rights transfer documents. The 1982 Assignment/Amendment was executed by a resident of Oregon, U.S. granting power and transferring ownership to a resident of Oregon, U.S. as stated in the document. The 1983 Assignment was made by an Oregon resident to a US corporation then based in Oregon. Both documents were prepared by attorneys in Oregon to address and comply with Oregon and US law. Under choice of law principles, US law must be applied to determine the legal effectiveness of the documents.

18. Facts and law require application of US law. The contacts and underlying interests discussed support the application of US law in evaluating the documents discussed. In contrast, Applicant has no contacts with or interest in the documents, nor does this body have any policy interest in applying the law of the EU to documents created in the US by

US residents. C.f. *International Contracts, Aspect of Jurisdiction, Arbitration and Private International Law*, multiple contributors, London Sweet & Maxwell 1996.

19. Certainly an Oregon court would apply Oregon law. "The contract was made in Oregon, and must be construed and enforced according to our laws." *Washington Nat. Bldg., Loan & Inv. Ass'n v. Stanley*, 38 Or. 319, 341, 63 P. 489 (1901)
20. Under US copyright law and Oregon contract law, future works are assignable. The law of copyright in the US is clear that under both copyright and contract law, rights to future works may be assigned. *Saregama India Ltd. v. Mosley*, 635 F.3d 1284, 1290-93 (11th Cir. 2011) is an appellate copyright case addressing the assignability of future copyrights under both US law and the law of India, which is relevant here because the only other country with significant contact to Osho personally is India. In *Saregama*, the Court stated: "We assume without deciding that Indian law governs the assignment issue, since Indian copyright law of assignment is strikingly similar to U.S. copyright law. We would reach the same result under either Indian or American law. Under the ICA (Indian Copyright Act of 1957), the assignment of copyright ownership is described in these terms: "The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof: Provided that in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence."
21. US and Oregon case authority support the broad right to assign. As noted by the court in *Saregama*, US copyright law is to the same effect as India law. The relevant US statute requires an assignment of copyright to be in "writing and signed by the owner of the rights conveyed or such owner's duly authorized agent." 17 U.S.C.A. 204 (a). As to the language of assignment, no particular form of assignment is required, and an assignment of copyright will be given effect where the intention is clear, especially where the terms "assignment" and "copyright" are used. *Radio Television Espanola S. A. v. New World entertainment Ltd.* (9th Cir. 1990) 183 F.3d 922, 926-927. Oregon case authority is consistent with federal law. As stated in *Levins v. Stark*, 57 Or. 189, 191, 110 P. 980, 981 (1910): "Any declaration, either in writing or by word of mouth, that a transfer is intended, will be effectual, providing it amounts to an appropriation to the assignee. In equity the rule is that anything showing an intention to assign on the one side, and from which an assent to receive may be inferred on the other, will operate as an assignment if sustained by a sufficient consideration. The form of words used in making the agreement is not alone to receive attention, but all the circumstances of the transaction are to be considered."
22. The 1962 Assignment/Amendment is effective to support subsequent 1983 Assignment. Under Oregon law, a power of attorney creates an agency and the acts of the agent will be enforced when within the scope of authority granted in the power. A power of attorney creates a form of agency, and is interpreted according to the law of agency and of contract. *Scott v. Hall* (1945) 163 P.2d 517. While powers of attorney are strictly construed, "the intention of the donor of the power is the great principle that governs." *Capps v. Mine Serv.* (1944) 175 Or Reports 248, 252-3; *Ying Loi Ho v. Presbyterian Church* (1992) 116 Or App 115. The broad and clear language of the power of attorney and amendment fully support the subsequent assignment.

23. The 1982 Assignment/Amendment is also effective as an assignment under the authority set forth. The document uses the words "assignment" and "copyright" as well as "name and likeness" and "trademark" and uses broad language of transfer. It is therefore effective to transfer by assignment any and all rights described.
24. Osho's Last Will & Testament negates Lotus' contentions re invalidity of documents of transfer. Though Lotus' claims against the validity of the documents of transfer are shown to be against the applicable law and without foundation, the vulnerability of any of the documents of transfer would not defeat Osho's clearly stated intention to transfer any and all property interests to the persons and entities he entrusted with his work. Osho left a Last Will & Testament, which was created to address the possibility that any of the earlier transfers would not be effective to divest him of all property interests, as had been his stated intention.
25. A true copy of Osho's Last Will & Testament, ("Osho's Will") executed on October 15, 1989, shortly before his death, a copy of which is provided herewith as Exhibit 4, clearly stated again his intention to transfer any and all property rights or interests he had to OIF. His will devises "all right, title and interest on any nature in any and all property including but not limited to all ownership, publishing or related rights, to all my work...in any form..." The breadth of the bequest is clearly sufficient to transfer any and all rights to use of his name and likeness, as well as all of his work.
26. Authentication of Will. I drafted the Will, and witnessed Osho's execution thereof, in the presence of the signing witnesses, as can be seen on the face of the document. The copy provided is a true and correct copy of the Will, and the signatures thereon were made by the persons so identified and were made on the date indicated on the document. Osho asked questions about the legal effect of the document prior to his execution thereof, and was unquestionably mentally alert and in full possession of his faculties at the time of execution.
27. Lotus' statement, quoted above, is thus shown to be incorrect legally and incomprehensible as argument. The 1982 Assignment/Amendment granted authority and assigned rights to present and future copyrights, name and likeness, trademarks and all other property rights. The 1983 assignment further assigned said rights as authorized. The language of the documents is clear and the law fully supports the actions taken.
28. While Osho did not use his name as a trademark, he was acting to protect and control that use by others in executing the 1982 Assignment/Amendment including the assignment and authority to use of his name and likeness. And, as stated earlier, Osho was clear with OIF about how he wanted the name used and presented, which as trademark owner, they did. The attorneys included the right in amendment/assignment in light of US law on the subject. Lotus repeats again and again that Osho never used his name as a trademark. True, but not probative to show he did not transfer the right to use his name as a trademark in the Assignment/Amendment.
29. Appropriation of name and likeness is a statutory and common law tort in the US, akin to trademark. Under that body of law, permission must be obtained to use the name of a person in connection with the sale of a product or service. "Personality rights are generally considered to consist of two types of rights: the right of publicity, or to keep one's image and likeness from being commercially exploited without permission

or contractual compensation, which is similar to the use of a trademark; and the right to privacy, or the right to be left alone and not have one's personality represented publicly without permission. In common law jurisdictions, publicity rights fall into the realm of the tort of passing off. United States jurisprudence has substantially extended this right." Wikipedia article on publicity rights, https://en.wikipedia.org/wiki/Personality_rights. Many states have passed statutes to prevent such appropriation. Cal.Civ.Code § 3344 provides that: "Any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior consent, or, in the case of a minor, the prior consent of his parent or legal guardian, shall be liable for any damages sustained by the person or persons injured as a result thereof." "A common law cause of action for appropriation of name or likeness may be pleaded by alleging (1) the defendant's use of the plaintiff's identity; (2) the appropriation of plaintiff's name or likeness to defendant's advantage, commercially or otherwise; (3) lack of consent; and (4) resulting injury. (See Prosser, *Law of Torts* (4th ed. 1971) § 117, pp. 804-807; Witkin, *Cal. Procedure* (2d ed. 1971) Pleading, § 606, p. 2244.)" *Eastwood v. Superior Court*, 149 Cal. App. 3d 409, 417, 198 Cal. Rptr. 342, 347 (Ct. App. 1983)

30. Lotus categorically states: "...there was never a trademark "Rajneesh", and no trademark "OSHO" before 1999." Lotus brief, p. 11. This statement is categorically false - shown for example by existing TM registrations of 'Rajneesh' already in 1978 in Germany (Exhibit No. 332). I stated in my initial statement: "The names OSHO and RAJNEESH were always understood to be trademarks during the period of my representation, and were consistently so used in the ongoing publication and dissemination of Osho's works during the time of my representation." That was and is my understanding. And my understanding, then and now, is that in the US a trademark may be established by use even without registration. While the earlier US proceeding is irrelevant to the determination of this body, it is relevant that an unregistered trademark could exist in the US. The names were used to identify the source of Osho's work and were clearly a brand for products and services. It is an uncomfortable admission that my understanding of US law in this respect may have delayed the registrations in the EU and around the world.

The statements made herein are from my personal knowledge and I know all of the statements to be true.


 Philip Toelkes

Date: June 4, 2013

Exh-D 39

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TECHNICAL EXAMINATION REPORT

ON THE WILL DATED 15TH OCTOBER 1989 BEARING THE SIGNATURE "OSHO"

**** * ****

I, the undersigned Nicole Ciccolo, graphologist, registered in the List of Technical Consultants of the Civil and Penal Law Court of Bologna, and member of the Association of Professional Graphologists, regulated by Law No. 4/2013, have been entrusted by Mr. Alvaro Ruffo della Scaletta and Mrs. Vaidehe Vadgama, both represented by solicitor Marco Ricolfi of Studio Tosetto-Weigmann e Associati (C.so Galileo Ferraris, 43 - 10128 Turin) to draft a technical graphological report aiming to ascertain whether the signature bearing the name "Osho" at the bottom of the will dated 15th October 1989 Poona - India is authentic or not.

DOCUMENTS TO EXAMINE

TEST DOCUMENT: ENCLOSURE 1

- WILL DATED 15TH OCTOBER 1989 POONA-INDIA
A copy of the will was examined. It consists of 26 typewritten pages. At the end there is the signature to check, bearing the name "Osho".

COMPARISON DOCUMENTS: ENCLOSURE 2

- 6 (SIX) COMPARATIVE SIGNATURES OF OSHO SELECTED FROM THE WEBSITE
[HTTP://IMAGES.SEARCH.YAHOO.COM/SEARCH/IMAGES?_ADV_PROP=IMAGE&FR=YFT-T-303&VA=OSHO+ART+SIGNATURES](http://images.search.yahoo.com/search/images?_adv_prop=image&fr=yft-t-303&va=OSHO+ART+SIGNATURES)

In order to simplify the reading of this expert's report and relative explanations, the signature to be checked will be referred to with the symbol (X), whereas the comparison signatures will be referred to as A-B-C-D-E-F.

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INVESTIGATION METHOD

Starting from the basic concept that handwriting is the most elaborate and complex expression of a person, since it is connected with his/her neuropsychic nature, graphic gestures will be examined in their dynamisms (the result of a series of activities), not as isolated or static gestures, as it is typically the case of the grammatomorphic or calligraphic method (1), which has become obsolete by now.

In this report, the **COMPARATIVE ANALYTICAL or GRAPHONOMIC METHOD on a GRAPHOLOGICAL BASIS** will be used.

The comparative analytical method was designed by Prof. *Salvatore Ottolenghi*, the founder of the Italian scientific police, in the early twentieth century. This method is based on the fundamental elements of scientific investigation, codified by the father of the analytical-descriptive method, *Alphonse Bertillon* (founder of the French scientific police in 1897).

In order to answer the question I was asked, the following checks will be carried out:

- **PRELIMINARY TECHNICAL EXAMINATIONS** consisting of an instrumental inspection of the document and signatures to detect the presence of any anomalies and relevant signs for the investigation.

(1) Calligraphic method – Sentence of 23rd December 1959 by the Penal Cassation Court: “... An expert's report mostly based on the calligraphic interpretation method is generally insufficient without a careful graphological interpretation, to avoid the risk for the magistrate to draw erroneous conclusions”.

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- **EXAMINATION OF THE TEST SIGNATURE** and detection of its general and particular characteristics useful to identify it.
- **EXAMINATION OF THE COMPARISON SIGNATURES** and detection of their general and particular characteristics in order to identify the peculiarities of the writer's graphic personality, to be used in subsequent comparisons.
- **ANALYTICAL AND DETAILED COMPARISONS** between the test signature and the comparison signatures.
- **CONCLUSIVE ASSESSMENT** which will be a possible or a probable or a sure authenticity or non-authenticity, depending on the quantity and quality of the elements found in favour or against.

This report will be integrated with scanned pages, aiming to illustrate the structure of handwriting signs in their tiniest details, in order to make the data found objectively detectable and enable readers to perform the necessary visual checks.

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For the sake of methodological correctness, it should be mentioned from the very beginning that a photocopy of the will was examined, therefore any instrumental techno-optical examination aiming to ascertain any alterations of either the paper or the ink cannot be carried out.

It should be immediately highlighted that the authenticity of a photocopy of a signature or handwritten text is never sure, like the authenticity of the document it belongs to. Photocopies are intrinsically unfaithful and, even if no fraudulent manipulations are present, they can be manipulated unlimitedly. As a consequence, any opinion on their authenticity should always be expressed prudently. Even when a photocopy is a "faithful" reproduction, that is without any alterations in the authentic original copy, there are still some limits and risks due to the nature itself of photocopies, therefore, as *Alan Buquet* stated: "*... an expert should only accept to work with original documents, both for test documents and comparison documents*" (*La perizia dei documenti manoscritti – Casa editrice Pioda Imaging*).

Having specified this, the handwriting report does not only concern the signature but the whole original document, which might also have been manipulated, altered or forged.

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At the moment, only a photostat of the will under examination seems to have been produced, by Keltie LLP, London, UK, on 7th June 2013 at OHIM - Office for Harmonization in the Internal Market (Trade Marks and Designs), Avenida de Europa 4, E-03008 Alicante, Spain.

References:

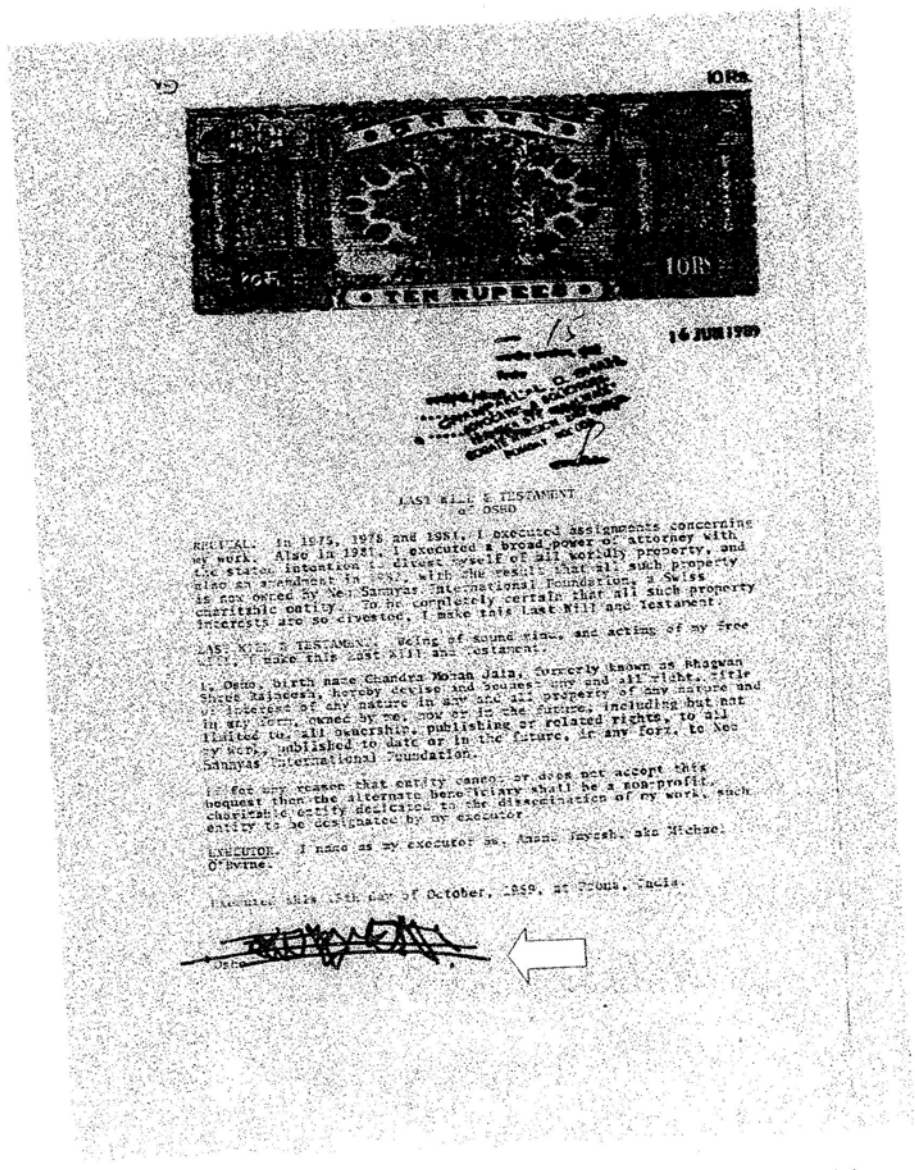
Community Trade Mark Registration No. 1224831 OSHO in the name of Osho International Foundation

- and -

Application for invalidity No. 5064 thereto by Osho Lotus Comune e.V.

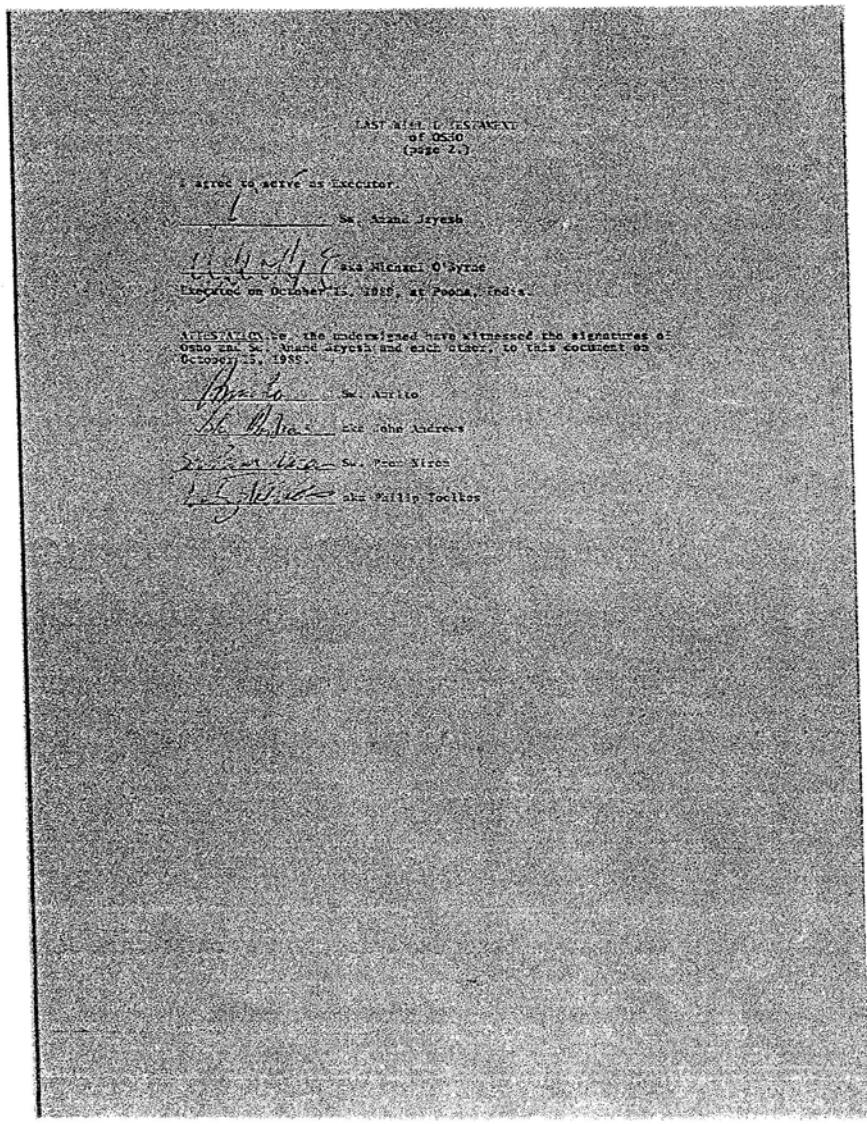
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small-size copy of the typewritten will bearing the signature "Osho" (X) at the bottom

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back of the will signed "Osho"

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By analyzing the photocopies submitted, the will here examined includes 26 typewritten lines on Indian stamped paper, having a price of 10 Indian rupees.

Under the pre-printed image there is a stamp of Solicitor "**CHAMPAKALAL – D. SHAH of Bombay**" and the date of issuing on stamped paper "**16 JUN 1989**".

Typewritten testamentary provisions follow, apparently typed with a typewriter, for a total of 26 lines.

On line 26, the name "Osho" is typewritten; signature (X) is next to it.

A signature is always something alive, the projection of its author and his/her typical characteristics based on graphic and metrical automatisms.

An analytical examination of the signature bearing the name "Osho" shows a remarkably personalized style in the form of an expressive engram (a creative image of the whole) which is totally illegible. The unquestionable originality and expressiveness of the graphic gesture acquires the form of a web and mesh in the area in the middle, characterized by a sequence of heterogeneous forms (triangles, quadrangles, rectangles, pompous shapes) and it is crossed in the middle by a double underlining. There is a dot on the bottom right, under the signature.

By performing a longitudinal analysis of Osho's signatures found in the following website:

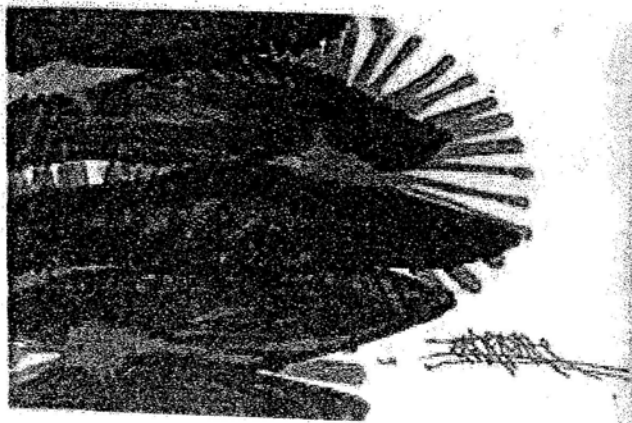
http://images.search.yahoo.com/search/images?_adv_prop=image&fr=yfp-t-303&va=osho+art+signatures

it is possible to detect many creative formulations of autographs, which share, on the whole, the same framework as the engram, with remarkable oscillations in the lateral axes.



OSHO Signature Stickens

(B)

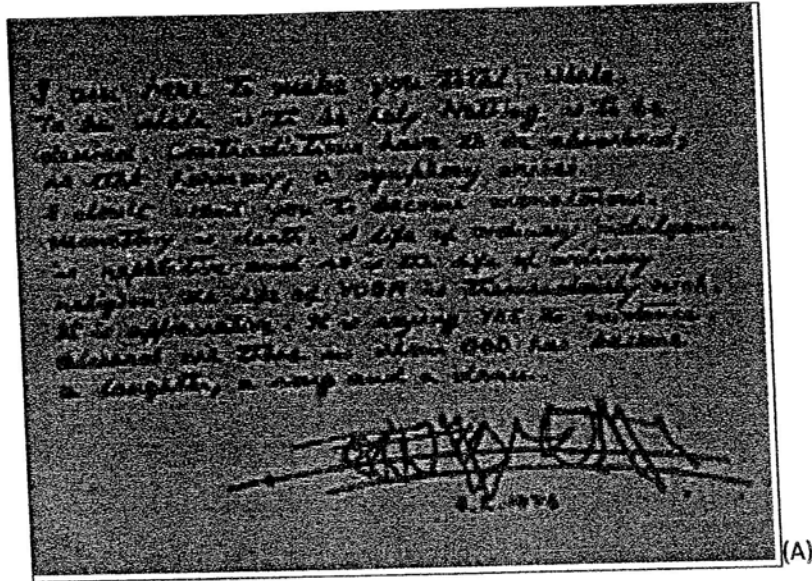


(F)

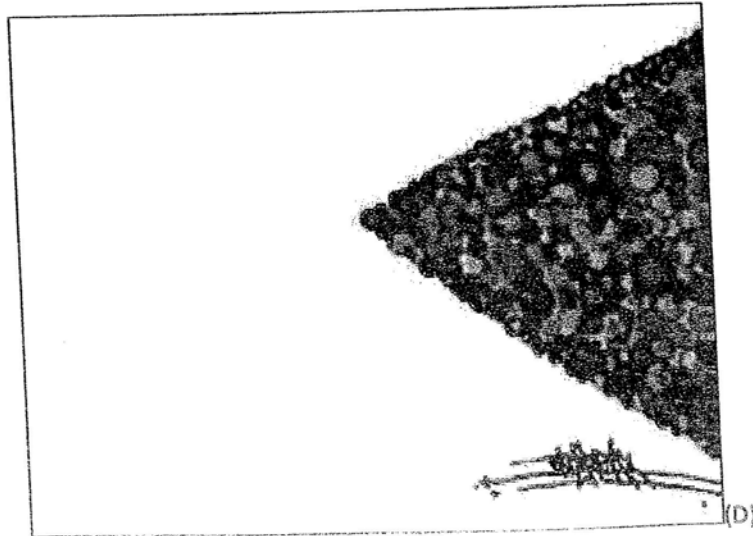
signature on a painting

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excerpt of a handwritten letter written and signed by Osho in 1976



signature on a painting

The complexity of a graphic gesture, which certainly applies to Osho's signature, characterized by a graphic style which does not lie within any conventional or calligraphic pattern, requires certain observations on the act of writing, meant as the product of a wide range of variables, which include psychic, cerebral and neuromuscular components. As a dynamic production of human beings, handwriting cannot be interpreted as a static, inanimate and predetermined product, since it is subject to the laws of flow regulating the natural processes of changes; as a consequence, a person's handwriting undergoes continuous changes, it is different for each human situation, diversifies and becomes multiple, despite the preservation of a "uniform graphic style".

This fundamental principle entails the universally accepted axiom that there cannot be two naturally identical handwritings or signatures.

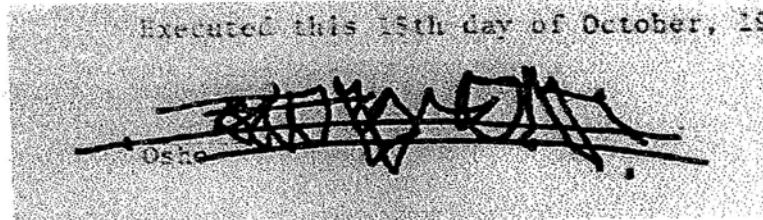
A hand is not a printer, therefore it will never be able to reproduce identical shapes.

In the light of these fundamental premises, an analysis and systematic comparison between the signature bearing the name "Osho" (X) at the bottom of the will dated 15th October 1989 and the comparison signatures makes it possible to detect, without any reasonable doubts, the artificiality of the test signature, which was executed by means of a

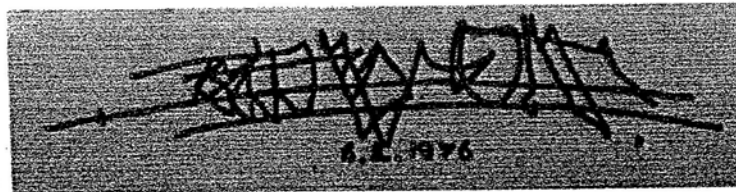
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photographic montage. It is possible to prove that it is a fake by showing that the signature bearing the name "Osho" (X) perfectly overlaps the signature (A) at the bottom of Osho's handwritten letter in 1976.



test signature bearing the name "Osho", found at the bottom of the will (X)



Osho's signature at the bottom of handwritten letter (A)

The morphological sameness of the two signatures, which can be overlapped perfectly and are therefore identical, should be noticed.

As Orlando Sivieri stated (1967 p.284) "*The perfect matching of words or groups of letters is undoubtedly the most incontrovertible evidence of a fake, since nobody, as they write, can repeat the movements which produce his/her handwriting in such an absolutely identical way, in the same order, with the same sequence, the same rhythm... Even more so for signatures. Anyone can try to write his/her own signature as many times as s/he wants: s/he will never find any which, placed on top of another one, perfectly repeats the lines in the sign, spacing, etc.*".

Salvatore Ottolenghi (1924, p.40) similarly states that **technical certainty in an expert's analysis can only be found in cases of "PROVED FAKE", where there are clear signs of counterfeiting such as touch-ups, abrasions, erasures or perfect sameness of letter shapes.**

The signature bearing the name "Osho" (X) IS APOCRYPHAL since it was not handwritten in the original, but placed at the bottom of the will by means of a photographic montage procedure which may have been executed by various known counterfeiting techniques (copy and paste photostatic process, tracing, scanning, etc.).

An analysis of the original (provided it exists!) apocryphal will would make it possible to detect the counterfeiting technique used in this particular case, that is the method the forger used to transfer Osho's signature from the handwritten letter of 1976 (A) to the bottom of the will (X).

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CONCLUSIVE ASSESSMENT

*** * ***

Being aware that the graphologist's opinion is, in any case, conditioned by the quality and quantity of the available technical material and that, with rare exceptions, it should always lie within the boundaries of probability, however high this may be, in this specific case, having viewed the will bearing the signature "Osho" dated 15th October 1989 Poona-India and the comparison signatures, I believe that the evidence found unquestionably leads to a technical assessment of the falsity of the will under consideration (TECHNICALLY SURE ASSESSMENT, SINCE THIS IS A PROVEN FAKE).

- THE SIGNATURE BEARING THE NAME OF "OSHO" IS APOCRYPHOUS SINCE IT WAS NOT HANDWRITTEN IN THE ORIGINAL BUT ADDED BY MEANS OF A PHOTOGRAPHIC MONTAGE PROCEDURE.
- THE APOCRYPHOUS SIGNATURE BEARING THE NAME "OSHO" WAS PLACED AT THE BOTTOM OF THE WILL BY MEANS OF ONE OF THE MANY COUNTERFEITING TECHNIQUES (COPY AND PASTE PHOTOSTATIC PROCESS, SCANNING, TRACING, ETC.).
AN ANALYSIS OF THE ORIGINAL APOCRYPHAL WILL WOULD MAKE IT POSSIBLE TO DETECT THE COUNTERFEITING TECHNIQUE USED.

Bologna, 13th October 2013

The Technical Expert

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SS

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N. R. Parik B.Sc. LL.B.

Ex-L-E 56

Examiner of Documents & Graphoanalyst
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NRP/60/2013

Date:6-11-2013

EXPERT - OPINION

I have very carefully examined the questioned signature 'OSHO' marked 'Q-1' on the Last Will and Testament dated 15-10-1989 and compared the same with the admitted signature 'OSHO' marked 'A-1' on the Letter dated 6-2-1976, in order to ascertain as to whether 'Q-1' is a 'Writing' written by the genuine person or it is a 'Printing' made by some different person.

I am of opinion that the questioned signature 'Q-1' has been prepared by scanning and printing process and the admitted signature 'A-1' has been used as a model signature for preparing a similar and fraudulent signature.

The questioned fraudulent signature 'Q-1' is an exact copy of admitted signature 'A-1'. It is not a mere opinion, but it is a fact which can be verified by any person with the help of the attached 'Comparison Chart'.

Basis for Opinion and Demonstration of Reasons

(Please refer to the enlarged signatures on the attached Comparison Chart)

Please note the suspicious and exact identity in the questioned signature 'Q-1' and the admitted signature 'A-1' in respect of the slant, size, alignment, proportion, rubric formation, dotting etc. when superimposed with each other and seen in the transmitted light as illustrated in the middle portion of the attached Comparison Chart.

Please also note that the defective line quality of the questioned signature 'Q-1', which has become defective one due to scanning and printing process as seen in the upper portion of the Chart.

Please also note the genuine line quality of the admitted signature 'A-1' revealing freedom of stroke, natural variation in the pen pressure and carefreeness in execution as seen in the lower portion of the Chart.

(R.N.Parik)

Asst. Examiner of Disputed
Documents, Aurangabad.

(N.R.Parik)

Examiner of Disputed
Documents, Aurangabad.

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e-communication

Date: 07/06/2013

From: Keltie LLP

To: Office for Harmonization in the Internal Market

Page 47

LAST WILL & TESTAMENT
of OS:O
(page 2.3)

I agree to serve as Executor.

[Signature] Sw. Anand Jayesh

[Signature] aka Michael O'Dyne

Executed on October 15, 1989, at Peoria, Ind.

AFFIDAVIT ON: We, the undersigned, have witnessed the signatures of
Osho and Sw. Anand Jayesh and each other, to this document on
October 15, 1989.

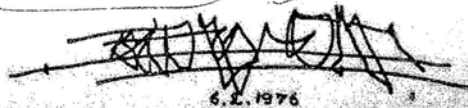
[Signature] Sw. Anand

[Signature] aka John Andrews

[Signature] Sw. Eric Allen

[Signature] aka Philip Toolkes

I am here to make you total, whole.
To be whole is to be holy. Nothing is to be
denied. Contradictions have to be absorbed,
so that harmony, a symphony arises.
I don't want you to become monotonous.
Monotony is death. A life of ordinary indulgence
is repetitive and so is the life of ordinary
religion. The life of YOGA is tremendously rich.
It is affirmative. It is saying YES to existence.
Blessed are those in whom GOD has become
a laughter, a song and a dance.



A-1 (60/13)

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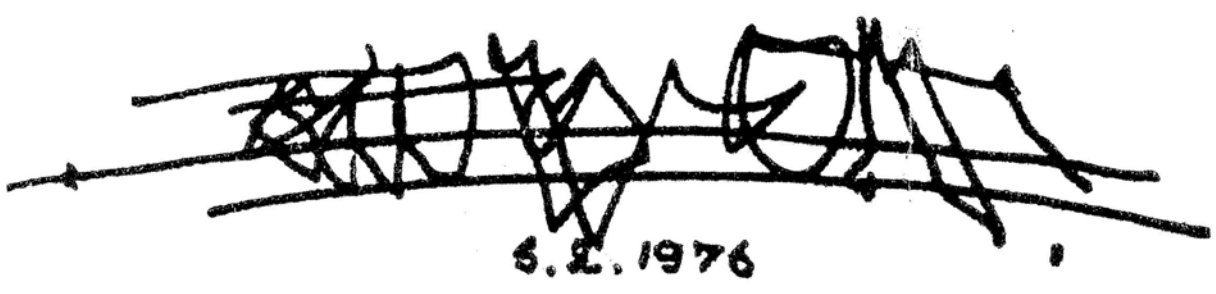
(Please note the defective line quality due to reproduction)

Composite Superimposed Image




Please note exact identity in the Q1 (Red) and A1 (Black)

Admitted Signature 'A-1' on Letter dtd. 6/2/1976



2/60/2013


N.R.Parik.
Examiner of Disputed
Documents, Aurangabad.

Date: 09th November 2013.

EXAMINATION REPORT

The following documents were received in the office of M/S J. K. Consultancy on 02nd November 2013 for examination and giving opinion thereon.

1. DETAILS OF DOCUMENTS:

- > A photocopy of Last WILL & Testament of Mr. Osho containing two pages at stamp paper of Rs. 10/- executed on 15th October 1989 at Poona, India. The questioned signature said to be that of Mr. Osho on the first page of the document is marked as Q1 JKC for the purpose of identification and comparison.
- > A photocopy of A4 size document having handwriting and signature of Mr. Osho. The admitted signature said to be that of Mr. Osho on the document is marked as A1 JKC for the purpose of identification and comparison.

2. POINT UNDER ENQUIRY:

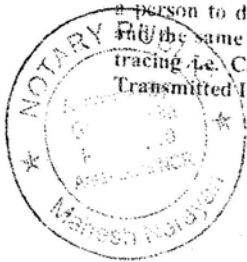
- ✓ Whether the questioned signature of the person marked as Q1 JKC matches with the admitted signature marked as A1 JKC or not.

3. OBSERVATION WITH REASONS:

I have examined all the questioned and admitted signatures thoroughly and carefully with the help of various magnifying lenses, geometrical instruments and with scientific instruments available in the lab at different enlargement and from different angles.

All the questioned and admitted signatures were marked in the office of J. K. Consultancy. The questioned signature marked Q1 JKC appears to be drawn slow in execution, is tremerous in nature and has a defective line quality. Whereas admitted signature marked as A1 JKC is freely written, shows normal consistency and shows genuine line quality.

The questioned signature marked Q1 JKC and admitted signature marked as A1 JKC when superimposed on each other than fit exactly on each other i.e. same in size, shape, slant etc etc which is a sign of forgery as it is not possible for a person to do two exact signatures. These signatures are reproduction of one by the same model. This forgery appears to have been done by any method of tracing i.e. Carbon copy tracing, indented tracing, forgery by tracing paper, Transmitted Image and scanned image etc.



J.K. CONSULTANCY
GAURAV KAUSHIK
Forensic Expert & Document Examiner

Page 1 of 2

True/Photo Copy Attested

NOTARY PUBLIC, DELHI

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Enclosures: Following documents are enclosed:

- ❖ Transparency images of the questioned and admitted signatures.
- ❖ A photocopy of Last WILL & Testament of Mr. Osho containing two pages at stamp paper of Rs. 10/- executed on 15th October 1989 at Poona, India.
- ❖ A photocopy of A4 size document having handwriting and signature of Mr. Osho.

Note: Since this opinion is based on the photocopy of the questioned and admitted signatures this opinion is subject to my verification of the original questioned and admitted signatures at the time of evidence to make some more observations.

J.K. CONSULTANCY
Vishram Star City Mall
133, LSC-III, Sector 7
Dwarka, New Delhi-110021



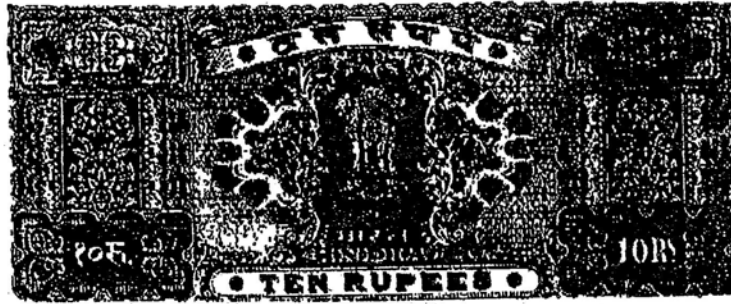
True/Photo Copy Attested
NOTARY PUBLIC, (INLET)

25 NOV 2013

A 63

79

10Rs.



16 JUN 1989

15
CHAMPALAL D. BHAMBHANI
CHOKAS & SONS
15/10/89
SOCIETY WARDEN
POONA

LAST WILL & TESTAMENT
of OSHO

RECITAL. In 1975, 1978 and 1981, I executed assignments concerning my work. Also in 1981, I executed a broad power of attorney with the stated intention to divest myself of all worldly property, and also an amendment in 1982, with the result that all such property is now owned by Neo Sannyas International Foundation, a Swiss charitable entity. To be completely certain that all such property interests are so divested, I make this Last Will and Testament.

LAST WILL & TESTAMENT. Being of sound mind, and acting of my free will, I make this Last Will and Testament.

I, Osho, birth name Chandra Mohan Jain, formerly known as Bhagwan Shree Rajneesh, hereby devise and bequest any and all right, title or interest of any nature in any and all property of any nature and in any form, owned by me, now or in the future, including but not limited to, all ownership, publishing or related rights, to all my work, published to date or in the future, in any form, to Neo Sannyas International Foundation.

If for any reason that entity cannot or does not accept this bequest then the alternate beneficiary shall be a non-profit, charitable entity dedicated to the dissemination of my work, such entity to be designated by my executor.

EXECUTOR. I name as my executor Sw. Anand Jayesh, aka Michael Byrne.

Witnessed and executed this 15th day of October, 1989, at Poona, India.



True/Photo Copy Attested

NOTARY PUBLIC, DELHI

25 NOV 2013

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LAST WILL & TESTAMENT
of OSHO
(page 2.)

I agree to serve as Executor.

Sw. Anand Jayesh

Michael O'Byrne aka Michael O'Byrne

Executed on October 15, 1980, at Poona, India.

ATTESTATION. We, the undersigned have witnessed the signatures of
Osho and Sw. Anand Jayesh and each other, to this document on
October 15, 1980.

Sw. Anurto Sw. Anurto

John Andrews aka John Andrews

Prer Niren Sw. Prer Niren

Philip Toolkes aka Philip Toolkes



True/Photo Copy Attested

NOTARY PUBLIC, DELHI

25 NOV 2013

Exh-9
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G

Dr. Michael Riess

Officially Appointed and Sworn Expert for Handwriting Comparison for the Bonn/Rhine-Sieg Chamber of Industry and Commerce • Qualified Psychologist
Member of the Society for Forensic Handwriting Analysis (GfS e.V.)
Member of the Institute for Handwriting and Document Analysis at the University of Mannheim (ISU e.V.)

Osho Lotus Commune e.V.
Venloer Strasse 5-7
50672 Cologne

08 Nov. 2013
U 118/13

Signature Analysis of the Will Dated 1989

Expert Opinion – Handwriting Comparison

1. Assignment

The undersigned was commissioned by Osho Lotus Commune to perform a handwriting comparison for the document referred to above and to submit an expert opinion on the same.

The assignment was to perform the comparison on the basis of the non-original documents itemised below in order to pass an opinion on the authenticity of the signature of Mr Osho (Rajneesh Chandra Mohan).

The signature in question is shown in Figure 1.

The material for the comparison was provided by Mr Doetsch for Osho Lotus Commune e.V. by specification of a source on the Internet. The references for this source are as follows:

http://images.search.yahoo.com/search/images?_adv_prop=image&fr=yfpt-900&va=osho+signatures

and

<http://famous-photos2.blogspot.it/2012/03/handwriting-of-acharya-rajneesh-osho.html>

The four signatures found there used for the comparison are shown in Figures 2 – 5, with the individual sources shown beneath the figures. The undersigned is not in a position to assess whether the four comparison signa-

Jakobstrasse 29 • 53783 Eitorf • www.handschriftenvergleich.de
MiRiess@t-online.de • Tel. 02243 4765 • Mobile 0172 882-7100 • Fax 02243 840786

tures are authentic. The responsibility for this (and for the identity¹) are borne by the client.

No information on associated circumstances are available, neither with regard to the writer (e.g. possible limitation of his ability to write resulting from health impairments) nor to the writing situation (specific conditions under which the document was created, assuming its authenticity). Based on the date of birth provided by the client (11 December 1931) and the age of the writer based upon this, there is no reason to assume an inevitable impairment of his ability to write in 1989.

We are informed that the bearer of the signed name did **not** base the design or form of his signature or graphical signature image on a standard school-book model, but rather consciously designed it himself. The handwritten text accompanying comparison signature V 1K makes it clear that the deceased was quite able to write in normal Latin handwriting.

A copy of the disputed document (page 1 or cover page) has been attached hereto at the beginning of the documentation section for the purpose of establishing identity.

2. The Handwriting Material

In the examination of the handwriting material in question it must always be remembered what is being examined here is the sample presented for analysis. In this context it is not possible to determine whether an original with handwriting visible in the reproduction actually exists.

2.1 Disputed Signature "XK" (Figure 1)

The disputed document is typewritten with an illustration located on the upper part of the page. On the second page of the copy provided (possibly the reverse side of the will in question) there are further signatures of the executors and witnesses. None of these are the subject of this analysis. Nor is the image of a rubberstamp on the page a subject for discussion here.

The only subject of this analysis is the signature of the name of Mr Rajneesh Chandra Mohan.

¹ Identity means to the full conformity of the (not available) original document with the available subject of the comparison, the copy. Identity can be established using forensic methods.

The date entered below the image is 16 June 1989. The date entered below the last sentence of the will is 15 October 1989. In what follows, this aspect is seen as being of neutral importance for the assessment.

Identification	Date	Document	Notes
XK	1989	Will	Only the signature of the name of Mr Rajneesh Chandra Mohan is relevant.

2.2 Comparison Material Written by Mr Osho

Four additional signatures of the bearer of the signed name are available for comparison purposes. They were chosen from the websites referenced above because they show isolated signatures. Please see Figures 2 – 5 for details on the individual sources. These four comparison signatures were scaled proportionally for direct comparison with the disputed signature and are shown in Figures 6 – 9.

The additional reference code "K" has been added to identify these documents as copies. The writing implement utilised cannot be identified in such documents. The correspondence of these non-originals with the originals (i.e. their existence and identity) is assumed. This is the responsibility of the submitter, as is the authenticity of the comparison material. For further characterisation of the comparison signatures please refer to the sources cited below Figures 1 – 4.

Identification	Document	Writing Implement	Date
V 1K	Letter dated 1976	-	1976
V 2K	Unknown	-	1977
V 3K	Unknown	-	Unknown
V 4K	Unknown	-	Unknown

The comparison signatures V 1K and V 2K are thus dated before the execution of the disputed writing (1989), assuming their authenticity.

The authenticity of the comparison material is assumed in the following analysis. There is **no** evidence for heterogeneity of the comparison material, which was created at different times and probably also in different contexts.

The bearer of the signed name was born in 1931. The comparison material provides no indication of systematic change. It is consistent and cohesive.

The use of a graphical signature image does not complicate the task of determining authenticity in the current case.

3. Assessment of the Analysis Options

3.1 Missing Originals – Limitations

When comparing handwriting it is essential to have access to the **original** of the disputed document. Only the original document provides adequate options for analysis. In the case of non-originals (or reproductions) it is, at best, normally only possible to provide a **negative** authenticity assessment in exceptional, well-founded cases. The converse assessment is not possible because of the possibility that evidence of manipulation may not be clearly discernible.

In particular, positive identification is **not** possible on the basis of a non-original document. For example, it is not possible to prove from a reproduction whether an original document ever existed or still exists, whether the original contains all the same writing as the non-original, or whether the documents were “assembled” by means of photo montage. In addition to this, non-originals also suffer from elementary deficits of information as regards evidence of the fine motor coordination that is essential for analysis of authorship.

A comprehensive discussion of the possibilities and limitations in this regard can be found in the standard textbooks on handwriting comparison (Hecker, 1993² and Michel, 1982³). According to these works, non-originals do **not** provide a suitable foundation for analysis.

² Hecker M.R. (1993): Forensische Handschriftenuntersuchung. Kriminalistik-Verlag, Heidelberg.

³ Michel L. (1982): Gerichtliche Schriftenvergleichung. Berlin, de Gruyter.

This clear opinion on the analysis possibilities is also upheld by supreme court judgements dating back over three decades, cf. OLG Cologne, 30 June 1981 [NJW 1982, 249; StV 1981, 539 f.; *Mannheimer Hefte für Schriftvergleichung* 1983, 106-109 (commentary by L. Michel)] and OLG Celle, 07 July 1981 [StV 1981, 608-610; *Mannheimer Hefte für Schriftvergleichung* 1981, 169-181 and *Mannheimer Hefte für Schriftvergleichung* 1982, 197-199]. The first (homogenous) supreme court ruling on cases based on such materials dates from nearly sixty years ago (OLG Braunschweig 10 April 1953 [NJW 1953, 1053 f.; JZ 1953, 515 f.]). See also the Guidelines 4.00 of the German Trade Association of Handwriting Analysts (GFS e.V.⁴) included at the beginning of the attached documentation section, which has been adopted in similar form by the working group of the German federal and state appraisers [*Sachverständigen des Bundes und der Länder*] (BKA and LKÄ and the German-speaking KT groups in Switzerland and Austria).

There has not been any significant discussion or change in the accepted opinion on this in the German forensic community or German jurisprudence.

When assessing the characteristics of handwriting in a non-original document one must also make the (non-confirmable) assumption that the equipment used for preparing the reproduction functioned correctly, and thus of the identity of the reproduction submitted for examination.

If a **negative** assessment regarding the authorship can be made, then one of the two required conditions for the derivation of legal consequences from the disputed document (authenticity and identity) is lacking. In this case, the question of the identity of the document can remain unresolved. In principle, this consideration justifies the possibility of a negative authorship assessment made on the basis of the image of the same, even when the original is not available and/or unresolved question of identity of the disputed document.

Other Analysis Options

The fine motor characteristics of handwriting (line quality, pressure gradation and line flow) can be assessed on the basis of the colour intensity and/or constancy and in particular also the line thickness, insofar as they can be determined. Visual reproduction systems require a minimum intensity and size of the colouring or graphical information in the original to achieve a

⁴ http://www.gfs2000.de/richtlinien_de.html

result. This means that in the case of signatures that are performed in a continuous flow and with rhythmical pressure, features such as fine, hairline strokes and connecting lines may only be reproduced rudimentarily (e.g. as a line that appears to be interrupted), or even not at all, depending on the quality of the copying device. Writing movements of this kind can then only be guessed at on the basis of initial or terminal residues of colouring.

In addition to this, one can also compare the overall visual form of the signature. However, these are characteristics to which forgers often devote particular care and attention.

3.2 The Disputed Writing Itself

The disputed signature can be characterised – insofar as this can be assessed on the basis of the reproduction – as a style of drawing of medium specificity. Its informative potential is limited somewhat by the emphasis on form. If the disputed signatures were available as originals one could only expect to achieve a positive assessment in the range of moderate probability.

Insofar as the reproduction itself can be assessed, it is not a first copy but rather a generational copy of a higher order (see below). Note for example the jagged edges in the lines as evidence of digitalisation.

3.3 A Note on Copies

The quality of a copy, defined as the degree of congruence with the original, also varies depending on the ink used to produce the handwriting – in addition to factors like settings on the copier (or scanner) and the condition of the device (e.g. contrast/ brightness, maintenance).

When a copy is recopied multiple times, making at each stage the next copy from the previous copy, one refers to this as a generational copy. In generational copies one sees features such as drop-outs in lines or images and also added artefacts, for example dirt marks. In addition to the device settings and the serviceability of the device, these characteristics are also particularly influenced by the relative position of the copy in question in a series of copies. These particular characteristics are more pronounced in later positions within the generational series.

3.4 Comparison Material

The comparison signatures make it possible to assess the style of drawing of the deceased. This comparison material provides **no** evidence for any sustained change in this or different styles of writing.

The undersigned cannot determine whether the deceased also had another style of drawing based on the Latin schoolbook style of writing.

Only a significantly limited range of comparison material is available.

Whether this results in limitations and, if so, what limitations those might be, is something that must be discussed following the conclusion of the analysis.

4. Hypotheses for the Analysis and Methodology

The contrary and exhaustive available hypotheses in this case consist of either "authentic" or "not authentic", whereas it has already been explained that only a limited possibility for analysis is obtainable in this case (the so-called test of falsehood).

The objective of forensic handwriting analysis is to arrive at an assessment of the authorship of the handwriting by comparing the characteristics of two or more handwriting examples.

Authorship hypotheses are first formulated on the basis of the question posed for the analysis. Next, the suitability of the available handwriting material is assessed on the basis of its material characteristics and graphical informative value of the handwriting in question and the nature and quantity of the material available for comparison. The relevant characteristics are normally ascertained through physical/technical analysis and graphical comparison. The objective, systematically collected findings are then analysed with a view to the hypotheses under consideration. The examiner conducting the analysis defines these hypotheses at the beginning of the analysis.

The nature and quality of the overall findings then lead to conclusions which are expressed in the form of probabilities.

The levels of these conclusions represent the verbal or numerical assessments of the examiner on the probability of the posited authorship hy-

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potheses, based on the handwriting comparison analysis, cf. Köller et al. (2004)⁵.

⁵ Köller N. (2004): Probabilistische Schlussfolgerungen in Schriftgutachten [*Probabilistic Conclusions in Handwriting Analysis*]. Munich, Luchterhand.

	Hypothesis (e.g. identical author)	Alternative Hypothesis (e.g. different authors)
Non liquet	Indifferent probability, approx. 0.5 or 50%	
Tendency assessment	Tending towards probability, approx. 0.75 or 75%	Tending towards lower probability, approx. 0.25 or 25%
Substantial assessment	Predominantly positive probability, approx. 0.9 or 90%	Lower probability, approx. 0.1 or 10%
	High probability, approx. 0.95 or 99%	Low probability, approx. 0.05 or 5%
	Very high probability, approx. 0.99 or 99%	Very low probability, approx. 0.01 or 1%
Conclusive assessment	Bordering on certainty, approx. 0.9999 or 99.99%	Virtually out of the question, approx. 0.00001 or 0.01%

5. Assessment of Authenticity

One begins with an overall examination of the disputed signature or document, among other things to see whether any special characteristics can be ascertained. This is then followed by a comparison of the signature in question with the comparison material.

It must be emphasised here that in any examples exceeding a certain minimum physical extent, one does not **ever** encounter full congruence or overlay congruence in two handwriting examples; at most just a high degree of similarity. This means that establishment of overlay congruence (at least to a high degree) can serve as evidence for the assessment of authenticity. The system of writing the person in question learned or whether it is a graphical rather than a written signature are both completely irrelevant factors here (stencilled writing and similar systems are excluded from the following discussion).

5.1 Analysis of Overlay Congruence

The disputed signature was compared to the four comparison signatures that were scaled and rotated accordingly to enable direct comparison.

Readers can perform this comparison themselves by laying the two examples to be compared on top of one another and holding them up against the light.

In forensic analysis one uses digital imaging to perform this comparison, overlaying one stored image on top of the image to be compared, which is scaled and rotated accordingly. The software program used to perform this comparison is called Diskus⁶.

In this software, one signature (and the associated document) is displayed using a contrasting colour (white), the other one is displayed in black. In Figure 10 one can see that the two signatures are almost perfectly congruent. The very minimal overhangs in edge areas are the result of the creation of generational copies. This does not contradict the overlay congruence; the degree of overlay congruence here is sufficiently high, and is **beyond chance** to a very significant degree.

Figures 11 – 16 show examples of split image over representations of the signatures in question. The high degree of overlay congruence can be seen in the smooth transitions between the two images in these examples.

Inspection of the disputed document (insofar as this is possible) reveals **no** evidence of photo montage. The signature lines contain no indication of disturbance in the flow of the rows or in the distance from the text or the paragraph or the handwriting above it. Even so, the possibility of the use of photo montage **cannot** be excluded here.

More extensive or more detailed analysis is not possible here, in particular because of the characteristics of this “generational copy”.

The high degree of overlay congruence indicates the use of digital photo montage. However, it is not possible to differentiate the creation hypotheses (tracing forgery or photo montage) adequately on the basis of the available reproductions.

5.2 Assessment of the Findings

The high degree of overlay congruence is compelling evidence that at least one of the documents bearing the signatures X 1K and V 1K cannot exist as an original with the content apparent in the reproductions, and thus must

⁶ <http://www.hilgers.com/index1.html> For a description of use in forensic analysis see Riess et al. 2004: *Digitale Vergleichsanlage in der Schriftenvergleichung und Urkundenprüfung, Programm Diskus* [Digital System for Handwriting Comparison and Document Analysis, Diskus Software], *Mannheimer Hefte für Schriftenvergleichung* 31, 54-63.

be a forgery. However, it is **not** possible to say which of the two documents that is.

This high degree of overlay congruence is very strong evidence that dominates the conclusion in the assessment of the findings.

It can thus be stated with **probability bordering on certainty** that one of the signatures, either V 1K or XK, **cannot** exist as an original in the presented form or in the form that would seem to be indicated by the reproduction.

6. Summary

A handwriting comparison analysis was commissioned to establish the authenticity of the disputed signature from the 1989 will, which is available in the form of reproductions.

In this analysis it was established with **probability bordering on certainty** that the signatures in the signature pair XK and V 1K are overlay congruent. Thus, there is the same degree of certainty that one of the documents is a photo montage.

Given the number of "*n*" overlay congruent signatures, it follows that the number *n* minus 1 of the documents that appear to exist on the basis of the available reproductions cannot actually exist in the original in the form that the reproductions would seem to indicate. Which of the documents this applies to (in the case in point the documents with the signatures XK and V 1K) cannot be established here. In order to establish this it would be necessary to examine the original documents (i.e. at least the quantity *n* minus 1).

[signed]

Dr M. Riess

Translation:

List of documentation attachments to the original German expertise:

- Guidelines 4.0: Use of Non-original Documents in Forensic Handwriting Analysis, German Society for Forensic Handwriting Analysis (GFS e.V.)

- Copy of the original disputed will

Handwriting Comparison Material

Figure 1: Signature from the disputed will

Source: Client

Figure 2: Comparison signature dated 1976

Source: <http://...> [see original]

Figure 3: Comparison signature dated 1977

Source: <http://...> [see original]

Figure 4: Undated comparison signature

Source: <http://...> [see original]

Figure 5: Undated comparison signature

Source: <http://...> [see original]

Comparison Signatures V 1K – V 4K Scaled and Rotated for Comparison

Figure 6: Signature V 1K dated 1976

Figure 7: Signature dated 1977

Figure 8: Undated signature

Figure 9: Undated signature

Overlay Illustration (X and V 1K)

Figure 10: Overlay illustration

Split-Image Illustrations

Figures 11 - 16

IN THE HIGH COURT OF JUDICATE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. ²¹⁵⁰ OF 2016

Yogesh Natwerlal Thakkar

DZST-PUNE
..Petitioner

V/s.

1. State of Maharashtra & Ors.

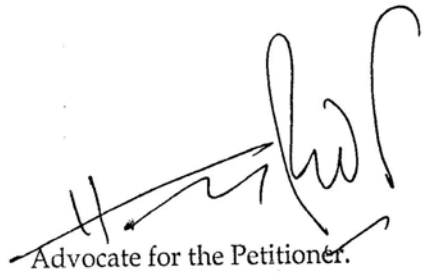
..Respondents

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Advocate for the Petitioner.



TRADE REGISTER OF THE CANTON OF ZUERICH

Company no. CH-020.7.902.835-7	Legal nature Foundation	Registration 04.11.1984	Deletion	Transfer 7.395.527.001 From: CH-020.7.902.835 To:	1
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All entries

Entry	Deletion	Name	Ref.	Headquarters
1		Osho International Foundation	1	Zurich

Ref.	Regulatory authority	Entry	Deletion	Address
1.	Confederation of the Interior, Bern	1	4	Rennweg 34 8001 Zürich Bahnhofstrasse 52 8001 Zürich

Entry	Deletion	Purpose	Entry	Deletion	Postal address
1.		Uses it's medium worldwide for common purposes and specially for propagation of the religious doctrines and messages of Bhagwan Shree Rajneesh by means of Neo-Sannyas (in conformance with deed of foundation a detailed described religion practice)			

Entry	Deletion	Remarks, specifications concerning acquisition of assets and liabilities	Reference	Date of deed
1	7	Elements: Foundation council of two or several members and board of control. The extract transferred from a current trade tab consists of no facts cancelled prior to the transfer, and also no possible pervious document data or diary and SOGC-quotes. This can be viewed in the trade tab marked in the field "Transfer from".	1	

Entry	Deletion	Branch office(s)	Entry	Deletion	Branch office(s)

Show	Ref.	Daily trade reg no.	Daily trade reg date	SOGC	SOGC-date	PageID	Show	Ref.	Daily trade reg. no.	Daily trade reg date	SOGC	SOGC-date	PageID

78 SPRACHBRÜCKE

ZH	0	20385 1038 24923	(Omission) 04.12.1990 22.01.1992 26.11.1993	245 21 237	(Omission) 17.12.1990 03.02.1992 06.12.1993	4899 487 6428	ZH	4	4211	27.02.1996	44	04.03.1996	1260
ZH	1						ZH	5	27357	17.12.1996	249	23.12.1996	797221/505132
ZH	2						ZH	6	13016	05.06.2002	110	11.06.2002	6658766
ZH	3						ZH	7	14162	25.04.2012	83	30.04.2012	

Entry	Ae	Deletion	PERSONAL information	Function	Type of signature
1		7m	O'Byrne, Michael, Canadian national, Paradise Valley, (USA)	President of the foundation-council	Joint signature by two
1		2	Hoehne, Thomas Konrad Werner, German national, in Cologne (Germany)	Member of the foundation council	Joint signature by two
1		3	Steiner, Kurt, von Dietwil, in Allochwil	Member of the foundation council	Joint signature by two
2		6	Creutzfeldt, Klaus Peter, German National, in Berlin (Germany)	Member of the foundation council	Joint signature by two
5		6m	Andrews, John, British National, New Malden, Surrey (Great Britain)	Vice President of the foundation council	Joint signature by two
5			Sarda, Mukesh, Indian National, in Mumbai (India)	Member of the foundation council	Joint signature by two
			Steeg, Klaus, German National, in Cologne (German)	Member of the foundation council	Joint signature by two
	6		Andrews, John, British National in London (Great Britain)	Vice President of the foundation council	Joint signature by two
6		7m	O'Byrne, D'Arcy, Canadian National, in New York (USA)	Member of the foundation council	Joint signature by two
			O'Byrne, Michael, Canadian National, in Hong Kong (CN)	President of the foundation council	Joint signature by two
	7		O'Byrne, Michael, Canadian National, in Hove (UK)	Member of the foundation council	Joint signature by two

TRADE REGISTER OF THE CANTON OF ZUERICH

CH-020.7.902.835-7	Osho International Foundation	Zurich	2
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All entries

Zurich, 22.05.2013

Zürich, 22.05.2013

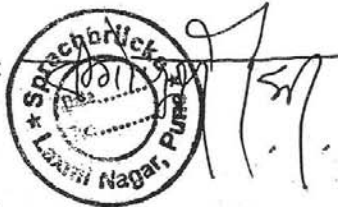


This extract from the cantonal trade register shall have no validity without the adjoining original notarized attestation. It consists all entries that are current for this company as entries deleted since 05.12.1990. An extract can also be issued at special request, which consists of all currently valid entries.

Note: This is a translated version of the original text in German

Name of Translator: Vidyadhar G. Rayrikar (M.A.-German), Course in Translation Techniques, FASK-Johannes Gutenberg University, Mainz, Germany

Seal & Signature of translator:





गुजरात गुजरात GUJARAT

4 DEC 2015

AR 620645

अनुक्रम नं. 29319 ता. 28/12-2014 श. 2012
 पंजीकृत नाम: - Dr. GOKUL GOKANI
 सरनाम: - Mr. Akashwan, RE, MAKARANA
 सहेम वेवरेली अ. 2013/14 अ. 2014
 (सि. ए. टी. चिकित्सा) अ. 1. 1973
 (सि. ए. टी. चिकित्सा) अ. 1. 1973
 (सि. ए. टी. चिकित्सा) अ. 1. 1973

Affidavit

I the undersigned Dr. Gokul Gokani, Age: 80 Years, Occupation Doctor ENT Surgeon residing at Ashland, Oregon, 97520, USA Today at Vadodara (Baroda) Gujarat, India

DO HEREBY STATE, SUBMIT AND DECLARE ON SOLEMN AS FOLLOWS:

I am disciple of Osho formally known as Bhagwan Shree Rajneesh since 1973. I am practicing as medical practitioner/ E. N. T. surgeon since

1970 in Jamnagar and from 1989 to 1998 in Pune attached with 3 Hospitals – Inlak and Budhrani Hospital situated at Koregaon Park, Pune, Ruby and Jehangir Hospitals Pune - and few years during that time worked in medical center of Osho Commune International Koregaon Park, Pune.

I remember that unfortunate day of 19th January 1990 as on the day my beloved Master Osho died. I have been the witness on the events which took place on 19th January 1990. As, I had signed Osho's death certificate, I am witness to the events which took place around Osho. The details of which follow hereunder.

At around 1:00 pm (13.00 hours) on January, 19, 1990;

Swami Chitten – German sannyasin, who was very active with Michael Byrne's (Jayesh's) right hand or assistant. Chiten came to my residence with my wife Kumud (Ma Yoga Kumud,) as Chiten did not know, where our residence was. As I was not feeling well, I was lying on a Setee (bed) in our living room. As I was not feeling well on that day I had left my consulting room in Medinova on Jungli Maharaj road, Poona. Chitten first asked me how I was as he saw me resting.

I sat on the bed and told Chiten, that I was just resting, as something was not right inside, but I told him for not to worry and asked him, what was the purpose of his visit and what can I do! He asked again that are you alright then we need your help and to go with him.

Specifically, He said that take your (Dr.'s) emergency bag and your letter head and Mr. Michael Byrne (O'Byrne) aka Swami Jayesh needs you.

I asked, is anyone serious or passed away, as requesting me to take my letter head book specifically. He answered that Jayesh will talk to you, but you come now with me and I have got Ashram's car and you need not to drive, as you are not feeling well!

Around 1.30 pm Chiten took me to Jayesh's room in Krishna house in Ashram and Jayesh asked me what I would like to drink any hot or cold drink and to have a seat. I asked, why I was called and what can I do. He said Dr. Amrito (Dr. John Andrew alias Dr. Geroge Meredith) will come soon and he will explain to you about it.

Soon, within 5-7 mintues, Amrito appeared and after short usual preliminaries, he said, " HE IS LEAVING THE BODY," But it was not clear to me who?

So I asked him, who? He said Osho and hugged me, then I had tears and he said, this is not the way to give send off to our Master, just gather yourself and do your routine work in the ashram and not to tell this news to anyone including my immediate family – Kumud, Devapria and Chetana – and then asked, what work do I do in the ashram and I said I do work as tour guide in the ashram from 2 to 4 pm. So he and Jayesh told me to be normal tour guide and without showing any emotions and sharing this news at all.

George Meredith

So I carried out my tour guide work in the ashram without any real energy or interest and showing ashram to visitors.

As told earlier by Jayesh, to meet him in his office after I finish my guide work, so just after 4 pm I went to his office in Krishna House and he said, I should go with Chiten and Chiten took me to his room in Krishna House and said you just rest or sleep till Amrito and Jayesh need you and I thought, they will call me, when Osho is still in the body.

Chiten unplugged the telephone in his room, so he said, while you are resting, you don't get disturbed. I said, I would not be able to sleep, but I may lie down till you call me.

Around 5 pm: Chiten came to his room and told me Amrito and Jayesh wants me, so he took me and emergency bag also to Osho's room, where Amrito told me that he just left the body and you write death certificate, needed for cremation.

So I asked him, what is the cause of death, as I have not seen him alive, before he left the body. So Amrito and Jayesh decided to write MYOCARDIAL INFARCTION, Which in layman's term is heart attack.

Though I was resting there in Chitten's room in the Ashram, I was not called for and did not see Osho till He left body (demise). When Chitten took me to Osho's room and saw his body, where Jayesh and Amrito were present. I did not know whether I was called for the death certificate, as many Indian and western Drs. Were there in the Ashram very much known to Amrito and Jayesh!

I asked Amrito that I will need Osho's passport, to write exactly his name as in his passport. He said his passport is expired and I said it does not matter I just need to write his name as in his passport, so he brought his passport and I copy it in his death certificate. I insisted them that I will have to see 3 identity marks on Osho's body to validate that it is HIS BODY and not otherwise, so he said you can search those signs and so I found on his body 3 identifying birth marks or scars pulling his robe up and down.

Then Jayesh took that hand-written certificate and brought typed copy on another of my printed letterhead and asked me to sign! I found, couple of typo errors, but he said you can correct those spelling mistakes rather than retyping it again. Little later I saw that Jayesh had torn portion of the death certificate whereby my address was printed. And then Jayesh asked me to go to Sasson- Govt. - Hospital and to get government cremation papers, which I did go with Swami Dhaynesh (Mr. Dhanesh Joshi) and others and brought it to him.

[Handwritten signature]

Then I asked him, can I go home now, as my family was not to come to Ashram for white robe (Evening Meditation) and I did not want them to miss the death celebration and we did not have phone at home. SO JAYESH SAID HE WILL SEND SOMEONE TO MY HOME AND BRING MY WIFE KUMUD AND DAUGHTER. I requested them not to mention them about Osho and why I am calling them to ashram, but just to bring them for me.

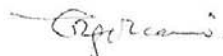
All these years, I have been keeping these facts known to only few intimate people. I thought that I will be able to suppress the controversy about Osho's demise. But during past few years while talking to other persons I found serious mismatch / controversy in the statements made by Amrito and Jayesh, such as timings on which Osho left His body (demised), locking me in the room so that I cannot speak to anyone on Osho's demise and calling me only for the purpose to issue a certificate. However, on 19th January there were many other doctors also present in the Osho Commune, Poona. In spite of all these assistance and hospitals available, Amrito and Jayesh did not felt necessary to call for the same.

At the end, Osho's body was taken for cremation / funeral within almost 60 minutes of the public announcement.

Having regard to my passing age and having heart problems knowing the mortality of life, I do find it necessary to bring out the truth on record. Hence, this affidavit is executed by me.

In Witness whereof I had affirmed on this 14th Day of ^{December} 2015 at Vadodara, Gujarat India

Executant


Dr. Gokul Gokani (Sw. Anand Krishna)

In Witness: K. Gokani

1) Mrs. KUMUD Gokul GOKANI
47 Gasfield st.
Ashland, Oregon 97520, USA
(Today at Baddala)

2) Abhishek
ABHAY PRAN VADYA
A 39, Hsunali, Orion Condo
Aurora, CO, 80014
(Today at Baddala)

Exh-J
84

J

1

By Hand Delivery

From: Kishor Labhshankar Raval
alias Swami Prem Anadi
R/at, Build. No B-3, Flat No. 11
Meeranagar Park Lane No.7
Koregaon Park, Pune 411001
Mobile :- 9423505093
Email: anadi.raval@gmail.com

Date: 25.03.2016

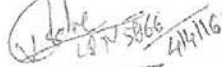
To,
The Police Inspector,
Koregaon Park Police Station
Pune 411001

CRs listed below

Sub:- Criminal Complaint against the Trustees of Osho International Foundation U/S 406, 409, 420, 120-b r/w 34 of the Indian Penal Code

Sir,

I the undersigned, Mr. Kishor Raval alias Swami Prem Anadi had come to Osho aka known as Bhagwan Shree Rajneesh in the 1978, initiated in Sannyas in 1980; and worked in the ashram from the year 1983 till 2000. Then after, I continued to visit Osho Commune for participation in Osho's Samadhi and meditations. During my full time active involvements I had been a trustee of Blue Lotus, a public Charitable trust under the provisions of Bombay Public trust Act 1950. This Blue Lotus Trust was owner of the property bearing Bungalow no. 9 admeasuring 7485.54 SQ Meters situated at Koregaon Park Road, Pune 411001. This Blue Lotus Trust was amalgamated in the year 1990 with Osho International Foundation Osho International Foundation a Public Charitable Trust duly registered bearing registration No. F 14570(M). Whereas by this scheme of amalgamation, the Blue Lotus Trust properties viz. bungalow No. 9 of Koregaon Park Pune is held by Osho International Foundation. I had resigned as a trustee of the said Blue Lotus Trust in 1994.


4/4/16
ठाणे अंमलदार
कोरेगाव पार्क पो. स्टेशन



In addition, I am also a donor of another property viz my share in the property to Osho International Foundation viz. Bungalow No. 4 admeasuring about 5588 square meters situated at Lane No. 1 Koregaon Park Pune by Deed Of Endowment dated 24th December 1997

Thus, I am conversant with many events happened in relation to the management of the Rajneesh Ashram. Therefore as a devotee of Osho and donation of my property to the Osho International Foundation I am concerned and interested in the welfare and development of Osho International Foundation. I was a regular visitor to Rajneesh Ashram for participating in Osho's Samadhi and meditations. Osho left His body (died) on 19th January 1990 at His ashram at Koregaon Park, Pune. However, I continued to work actively as a volunteer as other of Osho Sannyasins were working in the Ashram.

In 2012, I along with other persons had filed Applications u/s '41-E' of the Bombay Public Trust Act, 1950; before Hon'ble Charity Commissioner office at Mumbai. Then after, in due course of time during our investigations much more scams and irregularities committed by the trustees of Osho International Foundation were unfolding before us which is continuing till date.

Recently, i.e. in 2013-14 we came to know that the past and present trustees of Osho International Foundation are Siphoning off the money rightfully belonging to 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. The said trustees have misappropriated the money of the said Osho International Foundation and are still misappropriating the same continuously till this date.

One of the properties of the Trust is of "Osho Guest House" also known as "Osho Dharmshala". The Osho Dharmshala is situated on the plot no.9 of Koregaon Road Pune which is owned by Osho International Foundation. The construction of "Osho Dharmshala" was completed in or about the year 2002. The said Osho Dharmshala has about 30 rooms. The said building of Osho Dharmshala/ Guest House owned by Osho International Foundation



was constructed with the object of providing accommodation facility to the devotees of Osho who come to visit Osho Samadhi and do meditation programs. The devotees of Osho come from various cities from India and Foreign countries. The occupiers of the 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 estimate gross income for the 30 rooms is about Rs. 1,25,000/- (Rupees One Lac Twenty-five Thousand) Per Day which comes to about 4,56,25,000/- (Rs.Four Crores Fifty six Lakhs Twenty-five Thousand) Per year.

Now it is found that the income received from the Osho Guest House is not deposited / transferred in the account of Osho International Foundation but the same is illegally, fraudulently and dishonestly misappropriated and siphoned to the accounts of the trustees who are Directors and share holders of " Osho Multi Media and Resorts Private Limited" for their own wrongful gain. The said Osho Multimedia & Resorts is a private limited company created fraudulently with the sole object of siphoning off the income of Osho International Foundation received from Osho Dharmshala. The said Osho Multimedia & Resorts Pvt. Ltd. is a 'utility- vehicle' for siphoning the income of the trust favoring directors and Share holders of the said company who are also trustees of Osho International Foundation. In short, the Osho Multimedia and Resorts Pvt. Ltd is created duly as a front, but the real beneficiaries are its directors and share holders. It means that the income of Osho International Foundation is misappropriated by its trustees in this clandestine manner. The total amount of income misappropriated by the said trustees as from 2005 to 2015 amounts approximately to Rs. 70,00,00,000/- (Rupees Seventy Crores). The turnover figures from the 2002 to 2004 are not available with us which needs to be investigated.

The following persons are the present & past Trustees of Osho International Foundation and are also Directors and share holders of Osho Multimedia and Resorts Pvt. Ltd. These persons are occupying dual position, & who have committed this offence during their period of 14 years



	Name	Address	Contact details
1.	Mr. Mukesh Kantilal Sarda Alias Swami Mukesh Bharti	Osho commune International 50, Koregaon Park, Pune - 411 001	<mukesh@osho.net> Mobile #: +919820101930 phone #: 02066019804
2.	Devendra Singh Dewal Swami Devendra	Osho Commune International 17, Koregaon Park, Pune - 411 001	<devendra@osho.net> Phone: 02066019955 Mobile: +919890177767
3.	Anand Kumar Avasthi Alias Swami Anand Satyarthi	Osho Commune International 17, Koregaon Park, Pune - 411 001	<satyarthi@osho.net> Phone: 02066019963 Mobile: +919823042365
4.	Vidya Khubchandani Alias Ma Vidya Bharti	Osho Commune International 17, Koregaon Park, Pune - 411 001	<vidya@osho.net> Phone: 02066019705 Mobile: +919850122124
5.	Lal Pratap Singh Alias Swami Yog Ptatap	Osho Commune International 50, Koregaon Park, Pune - 411 001	
6.	Mrs. Sadhna Bepalurkar Alias Ma Amrit Sadhna	Osho Commune 17, Koregaon Park Pune - 411 001	sadhana@osho.net Phone: 02066019940 Mobile: +919822027153

I say that serial No. 6 above, Mrs. Sadhana Belapurkar is also a trustee of Osho International Foundation. Apparently, she is not involved in Osho Multimedia and Resorts as a Director or Share holder however; she is purposefully conspiring and supporting the illegal transfer of funds rightfully belonging to the public charitable trust favoring Osho Multimedia And Resorts Pvt. Ltd. And thus she deliberately is approving such illegal activities.

I Say that above stated trustee No. 1 and 2 accused hatched a criminal conspiracy to criminally misappropriate the income received from the said Osho Guest House and in furtherance of their common intention committed the offences at Pune of criminal breach of trust and cheating punishable under sections 406,409,420,120-B & 34 of I.P.C. during the said period amounting to Rs. 63,87,50,000/- approximately and are continuing to do so on daily basis.

The persons stated on serial no. 3 and 4 as Miss Vidya Khubchandani and Anand Kumar Avasthi are ex-Trustees of Osho International Foundation and present share holders of the said

(Signature)

Osho Multimedia & resorts Pvt. Ltd. facilitating siphoning the funds of the Trust.

The said Miss Vidya R Khubchandani is not a Director of Osho Multimedia & Resorts but she is a share holder in the said company and is benefitting from the said fraud. She is ex trustee of Osho International Foundation and present trustee of "Neo Sannyas Foundation" (Formerly known as Rajneesh Foundation) has knowledge about the said fraud and also sharing common intention with other accused.

Similarly, Anadkumar Avasthi aka Swami Anand Satyarthi is also a past trustee of Osho International Foundation and present share holder in Osho Multimedia Pvt. Ltd. He is also aware of the above said fraud and sharing common intention with other accused. He has received the income of Osho Guest House as share holder of Osho Multimedia & Resorts.

The past and present trustee are shifting positions from one trust to other and one Pvt. Co. to other at comfortable situations. In short, changing positions of being a trustees- Directors and Share holders is a facilitation of a complex 'Spider net' like net work for siphoning funds and assets of the trust.

I am in possession of three receipts issued by Osho Dharmshala/ Osho Guest House which shows that the amount paid by the customers by of Osho Guest House was deposited in the account of Osho Multimedia and Resorts Pvt. Ltd. The Copies of the same are attached here with and collectively marked as **Exhibit- A**.

I am also attaching copy of schedule I 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 **Exhibit- B**.

I am also attaching herewith order of the Hon'ble Charity Commissioner dated 09.11.1998 which shows that Osho Guest House is exclusively owned by the Osho International Foundation Trust. A copy of the said order is attached here with and marked as **Exhibit- C**.



I say that what we see presently could be just a 'Tip of an Iceberg'!
If proper and serious investigations carried out much more offences
would be surfaced.

I am enclosing a list of the names of Directory & shareholders of
Osho Multimedia is enclosed herewith and marked **Exhibit- D**.

I therefore pray that the offence may be registered against the
accused and thoroughly investigated and necessary action be taken
against the said accused at the earliest.

Place: Pune

Date: 25.03.2016



Complainant

Encl.: The Exhibit no. 'A' to Exhibit no. 'D' as referred to
hereinabove.

12th December, 2012

Mr. Yogesh Thakkar
1, Anand Park,
368-A, Koregaon Park,
PUNE 411 001.

Dear Sir,

Re : Assignment of copy rights and rights to publish
and produce work of Late Shree OSHO formerly
known as Bhagwan Shree Rajneesh (BSR) to a US entity

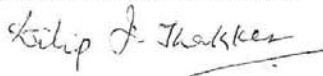
This refers to your case for our opinion dated 30th November 2012 requesting our opinion under FERA and FEMA. Based on the facts stated, our opinion only on issues under FERA / FEMA is as follows:

- 1) The main issue for consideration is whether Rajneesh Foundation (RF) had a legal right to assign the copy rights etc to anybody as per the document executed by Late Shree Osho, BSR on 28th July 1978.
- 2) If such right exists in the said document, whether the assignment was done under the proper authority of the resolution of the Trustees of RF?
- 3) Thirdly, whether any consideration was received for such assignment?
- 4) The assignment to a US based entity was done by a document executed on 1st April 1981.
- 5) In 1981 the Foreign Exchange Regulation Act, 1973 (FERA) was in force which required that any such transfer or assignment can be done only with the Prior Permission of the Reserve Bank of India (RBI). If no such permission was obtained the said assignment becomes void ab initio as it was in violation of law.
- 6) Further, if no foreign exchange or inadequate foreign exchange was received as consideration for the assignment, is another serious violation under FERA.
- 7) Both the above violations were punishable with monetary penalty as well as prosecution. There was no limitation period under FERA.
- 8) If the assignment was void ab initio, the same can be claimed back through legal process.

Thanking you.

Yours faithfully,

For Jayantilal Thakkar Associates



Dilip J. Thakkar
Partner



भारतीय रिजर्व बैंक

RESERVE BANK OF INDIA

www.rbi.org.in

FE.CO.PCD/18677/15.02.45 (19)/2014-15

June 05, 2015

Yogesh Thakkar (Swami Premgeet)
Plat No. 01, Anand Park 368,
Behind Police Station, Koregaon Park,
Pune 411 001

Sir,

The Unfolding Illegal Transfer of Millions of \$ of Copy Rights and Trademarks to Switzerland, US and Europe Annually!

Please refer to your letter dated April 15, 2015 on the above subject.

2. We advise that in terms of Section 37(1) of FEMA 1999, the power of investigation is vested with the Directorate of Enforcement (DOE), hence your letter has been forwarded to Directorate of Enforcement (DoE), New Delhi for necessary action at their end .

Yours faithfully,

C. K. Devarajan
(C K Devarajan)
Asst. Gen. Manager

विदेशी मुद्रा विभाग, केंद्रीय कार्यालय भवन, शहीद भगतसिंह मार्ग, पो.बॉ. सं. 1055, मुंबई-400001

फोन: कें.का.: (91-22) 22610615 फैक्स: कें.का.: (91-22) 22610623

Foreign Exchange Department, Central Office, CentralOfficeBuilding, Shaheed Bhagat Singh Marg,
P.B.No. 1055, Mumbai-400001; Tel: (91-22) 22610618; Fax: (91-22) 22610623; E-mail: cgmincfed@rbi.org.in

copy Received FIRST INFORMATION REPORT

Chandra

पहिली खबर
(Under Section 154 Cr. P. C.)

No. 008846

05.20 A.M.
12-2013 (फौजदारी प्रक्रिया संहितेच्या कलम १५४ अन्वये)

1. *Dist. *पुणे* *P.S. *कोडेगाव* *Year. *२०१३* *FIR No. *१४५/१३* *Date. *२/१२/१३*

2. (i) *Act. *खाली* *Sections. *४२५ ४४७ ४७१ १२१(७)*

(ii) *Act. *खाली* *Sections. *खाली*

(iii) *Act. *खाली* *Sections. *खाली*

(iv) *Other Acts & Sections. *इतर अधिनियम व कलमे*

3. (a) *Occurrence of Offence: *Day. *वार* *Date From. *१५/१०/१२* *Date To. *२१/११/१३*

*Time Period. *वेळेचा अवधी* *Time From. *पासून* *Time to. *पर्यंत*

(b) *Information received at P.S. Date. *२/१२/१३* *Time. *०८:३५*

(c) General Diary Reference Entry No. (s). *०८/१३* *Time. *०८:३५*

4. Type of Information. *५ कोडेगाव* *Written / Oral. *लेखी / तोंडी*

5. Place of Occurrence: (a) *Direction and Distance from P.S. *कोडेगाव १ कोडेगाव* Beat No. *कोडेगाव*

(b) *Address. *कोडेगाव १ कोडेगाव*

(c) In case outside limit of this Police Station, then the
या पोलीस ठाण्याच्या हद्दीच्या बाहेर असल्यास, त्या पोलीस ठाण्याचे नांव

Name of P.S. *कोडेगाव* Dist. *पुणे*

6. Complainant / Informant:
तक्रारदार / खबरी

(a) Name. *चौबीस गणेशराव*

(b) Father's / Husband's Name. *गणेशराव*

(c) Date / Year of Birth. *५३* (d) Nationality. *भारतीय*

(e) Passport No. *खाली* Date of Issue. *खाली* Place of Issue. *खाली*

(f) Occupation. *खाली*

(g) Address. *कोडेगाव १ कोडेगाव*

कोडेगाव १

Details of Known / suspected / unknown accused with full particulars :

माहित असलेल्या / संशयीत / माहित नसलेल्या आरोपीचा संपूर्ण तपशील :

(Attach separate sheet if necessary)

(आवश्यक असल्यास स्वतंत्र कागद जोडावा)

१) मांडवीचे गुंडाचे उर्फ वेवणी, मंगळगरीक व दक्षी जिंदाये उर्फ वेवणी मोरोप उर्फ वेवणी
 २) तर्फेचीप टोल्मीम उर्फ वेवणी वेवणी... ३) वेवणी... उर्फ वेवणी... उर्फ वेवणी...
 ४) कुळी... कापतीला... वेवणी उर्फ वेवणी... ५) वेवणी उर्फ वेवणी उर्फ वेवणी...
 वेवणी वेवणी वेवणी वेवणी वेवणी वेवणी १

Physical features, deformities and other details of the suspect :

संशयीतांची शारीरिक ठेवण, व्यंग आणि इतर तपशील :

डा. रजहाहित

*Sex लिंग	*Date/Year of Birth जन्मतारीख / वर्ष	*Build बांधा	*Height in Cms. उंची (से. मी. मध्ये)	*Complexion वर्ण	*Identification Mark (s) ओळख
1	2	3	4	5	6

*Deformities/Peculiarities व्यंग / वैशिष्ट्ये	*Teeth दात	*Hair बेस	*Eye होळे	*Habit (s) सवयी	*Dress Habits पोशाखाच्या सवयी
7	8	9	10	11	12

*Languages/Dialect भाषा / बोली भाषा	PLACE OF				
	*Burn Mark भाजल्याची खण	*Leucoderma कोड	*Mole वीर	*Scar व्रण	*Tattoo गोदण
13	14	15	16	17	18

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect. This will be used only for the purpose of preliminary retrieval to assist I. O.

जर तक्रारदार / खबरीने संशयीत बदल वरील १ किंवा अधिक (काऱ्यातील माहिती दिली तरच भरावी. तपास अधिकाऱ्याने प्राथमिक पातळीवर तपास करण्यासाठी वरील माहिती उपयोगात आणली.

A database created will subsequently like one suspect in several cases, if any.
 या अनुषंगाने तयार झालेल्या माहितीचा उपयोग संशयीताचा इतर पुढ्यातील सहभाग स्पष्ट करेल.

A comprehensive and complete data on all fields will again be prepared when any accused is arrested in a subjective of previous suspect.
 वरील (काऱ्यातील संपूर्ण माहिती) त्यावेळी संशयीताचा अटक करण्यात येईल त्यावेळी पुढ्यातील सहभाग स्पष्ट करेल.

श्री. श्रीगणेश नववसन्त उद्भव १५३ धर्म व्यापार व. १९२१ १
आनंदपति ३६८ कोन्कोवली पोलीस स्टेशन आणि पुणे-६०६६५५०५
श्री ओशो फ्रेन्ड्स फौंडेशन च्या बुरूची आहे. आम्हें फौंडेशनमध्ये

अभयान वजरीश शंचे शिष्य, वजरीश आश्रममध्ये राहिलेले, चाम कोले. ओशोचे कोलेटी
ओशो मलीवर्सिटीचे वृत्तपती, ओशोचे केअरटेकर आम्हें सर्वजण शर्यतीय आणि
विदेशी व्यवस्था आहेत. श्री ओशो आम्हें ओशो फौंडेशन तर्फे नमई तहान यती
श्री ओशो आश्रमचे वंचालक आणि बुरूची शंचे शिष्य आहे ते सर्वजण ओशो
इंटरनेशनल फौंडेशन ज्युरिक म्यूरिक येथे बुरूची आहेत. त्यांचे नावे १) व्यवस्था
वर्मिबा उर्फ नवानी आनंद अशेश २) दासी ओबुईन उर्फ नवानी येशो उर्फ राज ३)
फिलीप हॉटफीज उर्फ प्रेम निरेन ४) जॉन अँड्रुज उर्फ नवानी अश्रितो ५) कुण्डे
फाव्हरेनात वावडा उर्फ नवानी मुकुेश भावती ६) कलाउज वटीन उर्फ प्रमोद, म नं. ५
मुकुेश वावडा हे ओशो इंटरनेशनल फौंडेशन मुंबई येथे बुरूची आहेत. व्यवस्था वडा
बुरूची हे ओशो आश्रम वृत्तपती संपन्न शंचे येशोने उत्पादन व व्यवस्था पदातात त्यांना
इतर व्यवस्था गदतकसात.

ओशो उर्फ अभयान श्री वजरीश शानी ६५० पुस्तके लिहिलेले आहेत.
त्यांचे ६९ भाषांमध्ये भाषांतर होऊन ती प्रसिद्ध झालेली आहेत. तसेच ओडीओ, एडीओ
प्रवचने नुसत आहेत या सर्व शिष्य वंचालक येशोने उत्पादन हे लक्षात अमेरिकी डॉलरमध्ये
येते ते वरिष्ठ बुरूची शानी शक्यतायेशे फावणीफावून त्यात ते उत्पन्न वर्तमान आहेत
त्यांचे श्री श्रीव्यवस्थांची माहिती मध्येप्रमाणे जगातले 'अभयान श्री वजरीश' शंचे शिष्यांना
साहसी त्या वेळी या बुरूचीचे विकसित. अमेरिका, युरोप, मुंबई कोसेस चालू
साहसा. त्या वेळी अमेरिकेतले कोसे बुरूचीचे शिष्यात न. शिष्यांचे वाजुणे निष्कट
जोटीत झाला आहे.

आता बुरूची वरिष्ठ, युरोपमध्ये मुंबईमध्ये कोसेस चालू आहेत.
त्यांमध्ये त्या बुरूचीचे शिष्यात त्यांनी आश्रमाचे ३०० कोटीपेक्षा जादा किमतीची
शिष्यात, वास्तव्यम् ही बुरूचींनी वसतःचे नावे, व त्यांचे कंपनीचे नावे वर्तमान
मासिकी कोसेचालू आहे.

वरिष्ठ बुरूचीपंजी त्यांचावतीने फिलीप हॉटफीज उर्फ
प्रेम निरेन या बुरूचीने युरोपमध्ये चालू झालेले फावणीचे कोसेमध्ये
दि. ४.११.१३ रोजी युरोप कोटीत ओशो उर्फ अभयान वजरीश यांचे दिनांक
१५.१०.१९ रोजी तयार केलेले "गुरुपुत्रा" "कादर कोले" "ते श्रुत्युक्त" पुणे येथे
जालविलेले आहे. वाचन गुरुपुत्रा फावणीत आता कोसेमध्ये शिष्यांना वाचनी साहसी

आमय अशो
१४.११.१३
श्रीगणेश ४५५६६०
५०९
कोसेसोबत
६/०४/१५ वा
दि. ११.१२.१३

(Handwritten signature)

FIR No. 149/13
Copy received
Sd./-
05.20 A.M.
Date: 8-12-2013

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Form: 1-A

FIRST INFORMATION REPORT

No. 00846

(Under Section 154 Cr. P.C.)

1. Dist.: Pune P.S. : Koregaon Park Year: 2013 FIR No.149/13 *Date : 8/12/13

2. (a) Act : I.P.C. Sections : 465, 467, 471, 120 (B)

(b) Act : Sections:

(c) Act : Sections:

(d) Other Acts and Sections: -

3. (a) Occurrence of Offence : Day : Date: From 15/10/89 Date to 4/6/2013

Time Period : Time From Time to

(b) Information received at P.S. Date : 8/12/13 Time: 04.45

(c) General Diary Reference Entry No. (s) 08/13 Time: 04.45

4. Type of information: Cheating Written/Oral : Written

5. Place of Occurrence : Osho Ashram

(a) Direction and Distance from P.S. Towards - Lane No. 1 Koregaon Park
Beat No. : -Koregaon Park Police Outpost

(b) Address : - Osho Ashram, Koregaon Park

(c) In case outside limit of this Police Station, then the

Name of P.S. Dist. :

6. Complainant/Informant :

(a) Name : Yogesh Natwerlal Thakkar, age-53 years

(b) Father's / Husband's Name : Natwerlal Thakkar

(c) Date / Year of Birth : 53 years (d) Nationality : Indian

(e) Passport No. : Date of Issue: Place of Issue:

(f) Occupation: Trading

(g) Address: Flat No. 1, Anand Park, 368, Behind Koregaon Park Police Station, Koregaon Park, Pune

TRUE TRANSLATION

A.M. Katre
(Dr. A.M. Katre)

Appointed on the panel of translators vide
G. R. of Govt. of Maharashtra No. LNG-1001/711
case No. 53/2001/20-B Dt. 7/8/2001 (S. No. 16)

Form: 1-B

No. 008846

7.Details of known/suspected/unknown accused with full particulars

(Attach separate sheet if necessary)

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

All r/o Osho Asram, Koregaon Park, Lane No. 1

Physical features, deformities and other details of the suspect :

Sex	Date/Year of Birth	Build	Height in Cms	Complexion	Identification mark(s)
1	2	3	4	5	6

Deformities/Peculiarities	Teeth	Hair	Eye	Habit(s)	Dress Habits
7	8	9	10	11	12

Languages/Dialect	PLACE OF				
	Burn Mark	Leucoderma	Mole	Scar	Tattoo
13	14	15	16	17	18

These fields will be entered only if complainant / informant gives any one or more particulars about the suspect. This will be used only for the purpose of preliminary retrieval to assist I.O.

A database created will be subsequently link one suspect in several cases, if any.
A comprehensive and complete data on all fields will again be prepared when any accused is arrested.

TRUE TRANSLATION

A.M. Katre

(Dr. A.M. Katre)

Appointed on the panel of translators vide
G. R. of Govt. of Maharashtra No. LNG-1001/7/11
case No. 53/2001/20-B Dt. 7/8/2001 (S. No. 16)

8. Reasons for delay in reporting by the Complainant/Informant :

Immediately

9. Particulars of property stolen/involved (Attach separate sheet if necessary) :

10. Total value of properties stolen/involved :

11. Inquest Report /U.D. Case No., if any :

12. F.I.R. Contents (Attach separate sheet, if required) :

The informant in this case is trustee of Osho Friends Foundation and his complaint is as follows: Aformentioned accused in collusion for their benefit in order to use intellectual property of Osho Trust have prepared "False Will" and submitted to the court pretending that it is true. Said complaint is filed after seeking the opinion of experts about said forged Will.

13. Action taken : Since the above report reveals commission of offence(s) u/s as mentioned at Item No. 2, registered the case and took up the investigation/directed* Ramakant Shinde Rank : Assistant Police Inspector to take up the investigation/Refused investigation/transferred to Assistant Police Inspector Ramakant Shinde on point of jurisdiction

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

Sd/-

Sd/-

14. Signature/Thumb impression of the Complainant/Informant

Signature of the Office-In-Charge, Police Station

Name : Ramakant Shinde
Rank: Assistant Police Inspector
Koregaon Park Police Station

15. Date & Time of dispatch to the court
Date: Time:

TRUE TRANSLATION

(Signature)
(Dr. A.M. Katre)

Appointed on the panel of translators vide
G. R. of Govt. of Maharashtra No. LNG-1001/711,
case No. 53/2001/20-B Dt. 7/8/2001 (S. No. 16)

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Statement

Date: 8/12/2013

I, Mr. Yogesh Natwerlal Thakkar, age-53 years, occupation-trading, r/o Flat No. 1, Anand Park, 368, Behind Koregaon Park Police Station, Koregaon Park, Pune, Mobile-9049455099.

I am Trustee of Osho Friends Foundation. Our Foundation has members such as disciples of Bhagwan Shree Rajneesh, past residents of Osho Ashram, persons working in Osho Ashram previously, Chancellor of Osho Multi-varsity, Caretaker of Osho from India as well as from foreign countries. I personally file the complaint on behalf of our Osho Friends Foundation as follows: This is the complaint against Director of Osho Ashram and Trustees. They are all Trustees of Osho International Foundation, Zurich, Switzerland. Their names are as follows: 1) Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh, 2) Mr. D'Arcy O'Byrne alias Swami Yogendra, 3) Mr. Philip Toelkes alias Prem Niren, 4) Dr. John Andrews, alias Swami Amrito, 5) Mr. Mukesh Kantilal Sarada alias Swami Mukesh Bharti, 6) Mr. Klaus Steeg alias Pramod. Sr. No. 5 Mukesh Sarada is also Trustee of Osho International Foundation, Mumbai. Said six Trustees look after Osho Ashram and income as well as transctions of intellectual property. Other members also assist them.

Osho alias Bhagwan Shree Rajneesh has written 650 books. They have been translated into 65 languages and published. There are also audio-viedo seremons. The income received from this intellectual property is millions of US Dollars. Aforementioned 6 Trustees have established companies out of India and are transferring all said income of the trusts into it. The information regarding their malpractice is known to me as well as to the disciples of Bhagwan Shree Rajneesh worldwide. Since that time court cases were initiated against said trustees in America, Europe, Mumbai. Out of them, judgment in court of America has been delivered against said 6 trustees and in favor of disciples.

At present cases are going on against said 6 trustees (and others) in the courts of Europe and Mumbai. These cases are filed against said trustees since they have transferred the property, cash worth more than 300 Crores in their names and in the name of their company.

Out of said 6 trustees, on behalf of them, Mr. Philip Toelkes alias Prem Niren has presented "Will" dated 15/10/89 of Osho alias Bhagwan Shree Rajneesh in the case going on in the court of Europe. The said Will is prepared at Pune. None of the disciples have any idea or information about said Will. The said "Will" has been presented by these Trustees after 23 years (of Osho's demise). According to said "Will" all said 6 Trustees, including Sr. No. 1 Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh, have been authorized to use the rights and income from intellectual property of Osho and income from other sources thereby in any manner as per their discretion. If said Trustees have acquired such authority, then why they have not presented said "Will" in court case of America?. After 23 years they have presented said

TRUE TRANSLATION

A.M. Katre
(Dr. A.M. Katre)

Appointed on the panel of translators vide
G. R. of Govt. of Maharashtra No. LNG-1001/711,
case No. 53/2001/20-B Dt. 7/8/2001 (S. No. 16)

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“Will” in European Court. The disciples of Osho worldwide have doubt in this regard. According to the findings of the experts at three different places, at Italy in Europe, Delhi and Aurangabad in Maharashtra, India; the signature on the said Will is not Osho’s personal signature.

Thus, Aforementioned accused in collusion for their benefit and in order to use income from various branches of Osho Trust, intellectual property and other income have prepared “False Will” and submitted to the court pretending that it is true and cheated by presenting it on 4/6/2013. Hence, I have complaint against 1) Mr. Michael Byrne (O’Byrne) alias Swami Anand Jayesh, 2) Mr. D’Arcy O’Byrne alias Swami Yogendra, 3) Mr. Philip Toelkes alias Prem Niren, 4) Dr. John Andrews, alias Swami Amrito, 5) Mr. Mukesh Kantilal Sarada alias Swami Mukesh Bharti, 6) Mr. Klaus Steeg alias Pramod on behalf of our Osho Friends Foundation, Koregaon Park, Pune. Myself and members of Foundation know said Trustees.

Herewith I am presenting photocopies of experts’ reports stating that said will prepared by aforementioned accused (6 Trustees) is false.

My complaint is written as told by me and I read it and convinced about it.

This is my complaint.

In presence of

Sd./-

Sd./-
Ramakant Shinde
Assistant Police Inspector, Koregaon Park Police Station

Part 5 F.R.I. No. 149/13

u/s 465, 467, 471 of I.P.C.

Police Station General Diary No. 8/04.45 a.m.

Date 8/12/2013

Sd./-

TRUE TRANSLATION

A.M. Katre
(Dr. A.M. Katre)

Appointed on the panel of translators vide
G. R. of Govt. of Maharashtra No. LNG-10017/11.
case No. 53/2001/20-B Dt. 7/8/2001 (S. No. 16)

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Commanding in charge of Osho Ashram, Pune
 Email: <darcy@darcyobyrne.com>
 Postal Address:
 Osho Commune International
 17, Koregaon Park, Pune 411 001.

Landline #: (0)20 66019902
 Mobile #: +919764672233

**3. Mr. Phillip Toelkes alias Prem Niren
 Attorney to Osho and Witness on the Will**

Email: <toelkes1@gmail.com>
 Postal Address:
 90, Baywood Village Road # 51
 Sequim WA 98382
 USA

Mobile: +13607758482
 Phone + Fax: +18888525744
 Fax: +18888525744

And also at:
 Osho Commune International
 17, Koregaon Park, Pune 411 001.

**4. Dr. John Andrews, alias Swami Amrito
 Previously known as Dr. George Meredith alias Devaraj
 Osho's Physician and Witness on the Will**
 Also Vice President Osho International Foundation, Zurich,
 Switzerland
 Email address: <amrito@osho.net>

Postal address:
 Osho Commune International
 17, Koregaon Park
 Pune 411 001
 Lanline #: 020 66019804
 020 66019801

Also at:
 Flat 1, 13 Palmeira Ave
 Hove, East Sussex
 BN3, 3GA, UK

**5. Mr. Mukesh Kantilal Sarda alias Swami Mukesh Bharti
 member trustee OIF , Zurich, Switzerland and India**

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Email: <mukesh@osho.net>
Bungalow no. 50, Koregaon Park, Pune - 411 001
Also at
608, Maker Chambers V, 6th Floor
Nariman Point
Mumbai - 400 021

Mobile #: +919820101930
Landline #: 02066019804

6. **Mr. Klaus Steeg alias Pramod**
member trustee OIF, Zurich, Switzerland
Director of American Multimedia Corporation and
Osho International, New York, US
Email: <klaus.steeg@oshointernational.com>

Postal address:
410, Park Avenue, 15th floor
New York
NY 1022 US

Phone: +1.212-231-8437
Mobile: +1.917.755 0225
eFax: +1.212.658.9508 -
Skype: pd_nyc

Also at:
Osho Commune International
17, Koregaon Park, Pune 411 001.

Sir,

1. The complainant is a selfless devotee of Osho and the Managing Trustee of "Osho Friends Foundation", a Public Charitable Trust registered at Pune under the provisions of The Bombay Public Trusts Act, 1950. This Trust is an association of the disciples of Osho, who have worked for more than 45 years for Osho in the capacity as his secretaries, ex- trustees, caretakers, meditation camp leaders, therapists etc. and worked at the Osho Ashram and around Osho Meditation Centres.
2. The accused no. 1, 2, 4, 5 and 6 are all the members of Osho International Foundation, Zurich bearing registration no. CH-020.7.902.835-7 having its address at Bahnhofstrasse 52, 8001 Zurich, Switzerland. The said organisation was initially registered in the name, Rajneesh Foundation Europe in the year 1984 and thereafter it was changed to Nco Sannyas

International Foundation in the year 1987 and it was further changed to Osho International Foundation in the year 1990. A copy of the document which is akin to the 'Schedule I Register' in India and known as "Trade Registrar Of The Canton Of Zurich" is annexed herewith to show the registration, change of names and also names of all the accused as members thereof as **Annexure A1 & A2 respectively.**

3. The accused no. 1, Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh is very secretive and known as "A man of mystery". The accused no. 1 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, O'Byrne could not be found. The accused no. 2 is the younger brother of accused no. 1, both citizens of Canada. Both accused joined the Rajneesh movement at Rajneeshpuram in Oregon, USA at about the same time around December, 1984 to the spring and summer of 1985. Both accused nos. 1 and 2 are members of Osho International Foundation, (accused no.1 with it's predecessors Rajneesh Foundation Europe and Neo-Sannyas International Foundation) Zurich, Switzerland. Accused no. 1 since 11.03.1986.
4. The accused no.1 is the President of Osho International foundation since 05.12.1990 till today. 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, however the Inner Circle is forced to be dissolved after the death of Osho over a period by the accused no. 1 and replaced by Osho International Presidium consisting of the trustees of Osho International Foundation, Zurich and headed by O'Byrne. Michael O'Byrne drew the attention of a prominent Hollywood member - Francoise Ruddy, a striking woman of about fifty who was one of the larger financial contributors of Rajneeshpuram and genuinely devoted to Rajneesh. Hasya, as she was called, had taken Sheela's place as Osho's assistant, thereby O'Byrne who was closer to Hasya than Sheela soon gained regular audience with Rajneesh and in September, 1985 when Rajneesh appointed a new group of leaders to supplant Sheela and her group, O'Byrne took the position of trustee with the Rajneesh Financial Services Trust. O'Byrne became the chief

lieutenant of Rajneesh when he returned to the ashram at Pune and was there to take over the reins when the master died- or left his body. O'Byrne was the "New Bhagwan" and totally controls the activities at the ashram at Pune and Osho International Foundation, Zurich, Switzerland.

5. The accused no. 3, Mr. Philip Toelkes alias Prem Niren a law graduate of 1971 from the University of San Francisco who worked a short time for a San Francisco law firm then joined prestigious Los Angeles firm in 1974 only to resign in 1980 and become a Rajneeshee. His legal skills soon put him foremost among Rajneeshee lawyers. He was licensed in Oregon on April, 22, 1982, and the following year, he helped set up Rajneesh Legal Services Corp. He also took over as mayor in Rajneeshpuram in Oregon USA.
6. The accused no. 4 Dr. John Andrews, alias Swami Amrito, 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 as detailed in Annexure D1 annexed herein 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.
7. The accused no. 5 Mr. Mukesh Kantilal Sarda alias Swami Mukesh Bharti 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. 1 Michael O'Byrne he was made the managing trustee of Neo Sannyas Foundation formally known as Rajneesh Foundation, Pune, as well as Osho International Foundation in Mumbai and Zurich, Switzerland; 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 Sarda 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.1 Michael O'Byrne. The life styles of both is out of unimaginable proportions, out of their known source of income.

8. The accused no. 6 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 O'Byrne in the field of publication all over the world. He is involved in all the companies in US and UK responsible to siphon off funds and assets of the trust and foundations as detailed in annexure D1 annexed herein.
 9. The complainant submits that all the Accused are involved in siphoning off properties and income of royalties worth millions of US \$ which belong to Neo Sannyas Foundation formally known as Rajneesh Foundation and Jeevan Jagriti Kendra. This trust is a public Charitable Trust registered under the provisions of Bombay Public Trust Act 1950. Annexed herewith is a copy of Indenture of Trust dated 11th June 1969 and Supplementary Agreement dated 16th September 1969 for ready reference as **Annexure B1 & B2**. The said trust Jeevan Jagriti Kendra was renamed as Rajneesh Foundation on 15.9.1975, which after Osho's demise was renamed as "Neo Sannyas
-

Foundation" in 1989. A copy of the schedule I showing change of name is annexed as **Annexure C**

10. It is obvious from the conduct, past antecedents and present living style of the accused named hereinabove that all the accused have conspired together under the leadership of accused no. 1 Michael Byrne to siphon off the assets both movable and immovable of the public charitable trusts created by Late Osho into personal assets by creating companies controlled by each individually or jointly amongst themselves and after having achieved their objective, the company or organisation created by them is dissolved or insolvency is filed. Thus, all accused are involved in looting and damaging income of a public charitable trust registered in India before the Charity Commissioner, Mumbai as well as of the revenue of the Indian government in terms of Foreign Exchange Inward Remittance and Taxes. A few examples of such activities of which documents have been collected by the complainant and his friends are annexed herewith for ready reference as **Annexure D1, D2, D3, D4, D5 & D6**
11. The complainant and his friends, all admirers and devotees of Osho have filled an Application u/s 41 E of the Bombay Public Trust Act, 1950 before the Hon'ble Charity Commissioner Mumbai bearing application no. 4 and 5 of 2012, are annexed herewith for ready reference as **Annexure E1 & E2** and also Two Writ Petitions before the Hon'ble High Court of Judicature of Bombay bearing no. 1346/ 2012 and 5300/ 2013 alleging frauds and misappropriation over Rs.300 Crores against all the accused except accuse no. 3 Mr. Philip Toelkes are annexed as **Annexure F1 and F2**. The petition no. 1346/2012 is admitted and interim relief has also been granted by Bombay High Court is annexed as **Annexure G1 & G2** for ready reference.
12. All the above accused who are the trustees of Osho International Foundation except accuse # 3 Philip Toelkes were parties as trustees of Osho International Foundation Zurich to a litigation in which all the accused except accuse # 3 Philip Toelkes also 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." However vide judgment dated October 30, 2008 the Osho International Foundation lost the


appeal and in consequence their applications for registration were cancelled. Annexed herewith is a copy of the judgment for ready reference as **Annexure H1 & H2**.

13. The Osho International Foundation, Zurich through its member Trustees, all the accused except accused no. 3, have subsequently applied for Community Trademark registration before the "Office For Harmonization in the Internal Market" at Avenida de Europa, 4, 03080 Alicante, Spain, the Trademarks and Designs Registration Office of the European Union Trademark registration no. 1224831 and the same is being opposed by "Osho Lotus Commune e.V." in a proceeding pending under Application for Invalidation No. 5064C before the said office. Osho International Foundation, Zurich submitted a "Second Supplemental Witness Statement" of Mr. Philip Toelkes accused no. 3 hereinabove. Para 25 of that "Second Supplemental Witness Statement" is addressing a true copy of the "Last Will and Testament of Osho" allegedly executed on 15th October 1989 at Pune. Annexed herewith is a copy of the "Second Supplemental Witness Statement" and the alleged "Last Will and Testament of Osho" as **Annexure I-1 and I-2** respectively for ready reference.
14. On perusal of the contents of the alleged will it is obvious that the will is subsequently created, as an afterthought, produced for the first time after a period of 23 years of the death of Osho under suspicious circumstances. In any case the said alleged *Will* admittedly is not attested according to the strict provisions of law. More over there was reason to believe that the alleged signature of Osho was fake and the alleged *Will* a forgery. It is obvious that all the accused were adversely affected by the judgment of the Appellate Court of US and hence conspired together along with the accused no. 3 Philip Toelkes to create a document purporting to be a *Will* of Osho. In order to ascertain whether the alleged *Will* is genuine or a fake the copy of the same was sent for an independent opinion to one Ms. Nicole Ciccolo Graphological Technical Expert and Consultant of the Civil and Penal Law Court Of Bologna, Italy. After examining the said document the expert came to a conclusion that the alleged signature of Osho was a proven fake. Annexed herewith is the technical examination report dated 13.10.2013 as **Annexure J**.
15. In the meantime, the complainant sought the opinion of an expert Shri N R Parik, Examiner of Documents and Grapho Analyst from Aurangabad. After having carefully examined the questioned signature of Osho on the alleged will dated

15.10.1989 and comparing it with the admitted signature of Osho on a letter 06.02.1976, he came to the conclusion that the questioned signature of Osho on the alleged Will had been prepared by scanning and printing process by using the admitted signature as model. Annexed herewith is the opinion of Shri N R Parik dated 06.11.2013 as **Annexure K**

16. A copy of the alleged Will of Osho dated 15.10.1989 was sent for an independent opinion along with the admitted signature for verification and comparison to M/S J K Consultancy, a Hand Writing Expert and Document Examiner from New Delhi. The Complainant has received third report from the said M/S J K Consultancy a dated 9th November 2013. The Opinion received also confirms of the forgery in respect of signature of Osho on the alleged Will. Annexed herewith is the technical examination report dated 8.11. 2013 as **Annexure L**
17. In the meantime by way of abundant caution the complainant has filed a Civil Suit bearing no. 1683/2013 pending before the Civil court Junior Division Pune seeking Declaration of the alleged Will as null and Void. Annexed herewith is the copy of suit along with the said suit along with application as **Annexure M**
18. All the accused have conspired together and dishonestly and fraudulently created this false document purporting to be the Will of Osho dated 15.10.1989 with intent to support a false claim or title to the properties of Osho as it is obvious that the accused are the beneficiaries of the gains yield from the properties of Osho through their private companies established in US, UK and India as trusts are under continuous deficit and loss due to siphoning off funds to these private companies by the trustees, and in furtherance of their criminal conspiracy produced through accused no.3 a true copy of the same in the proceedings pending before the "Office For Harmonization in the Internal Market" in European Union. The Accused no. 3 is admitting to be attorney for Osho as well as he has admitted to be an official representative of Osho International Foundation, Zurich Switzerland. And thus conspiring in the making of forged Will. And therefore all the accused are guilty of having committed the offences punishable under section 465, 467 r.w. 120 B of the Indian Penal Code.
19. The said forged will of Osho is alleged to have been executed and attested at Pune on 15.10.1989 however it was produced for the first time only in June 2013 in proceedings before the European Union when the complainant got

knowledge of the existence of such forged will. Thus there is prima facie evidence to show that all the afore said offences have been committed by the accused at Pune within the territorial Jurisdiction of the Koregaon Park Police Station and hence, the police of the said police station have the powers to investigate in to the offences punishable under sections 465, 467 r.w.120B of the Indian Penal Code against the accused above named who as per the contents of the alleged will have purported to have signed as attesting witnesses and as executor thereof.



Yogesh Thakkar

Managing Trustee

Osho Friends Foundation

C.C. to:

- 1- The Commissioner of Police,
Sadhu Vaswani Road, Camp
Pune 411001
- 2- Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi - 110 001
- 3- Home Ministry, Maharashtra
Mantralaya
Mumbai 400001

Encl:

Copies of all the 'Annexure A' to 'Annexure M' referred to hereinabove.

0/c

112 Ex-0

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

2nd March, 2016

To:

मुख्यालय
महाराष्ट्र शासन
मंत्रालय, मुंबई ४०० ०३२
दनांक २३/३/१६

1. The Chief Minister,
& Home Minister,
State of Maharashtra,
Mantralaya, Mumbai-400 032.
2. The Director General of Police,
State of Maharashtra,
Old Council Hall,
Maharashtra State Police Head Quarters,
S B Marg, Opp. Regal Cinema,
Colaba, Mumbai - 400 039.
3. The Commissioner of Police [Pune Police],
2, Sadhu Vaswani Road,
Camp, Pune-411 001.



Reg: FIR No.149/13 dated 8.12.2013, registered by my client, Shri Yogesh Natwerlal Thakkar with Koregaon Park Police Station, Dist. Pune. against the accused persons, who are :

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

02/03/16/2/30

लिपिक
पोलीस महाराष्ट्र शासन
मंत्रालय, मुंबई

Sirs,

On behalf of my client, Shri Yogesh Natwerlal Thakkar, residing at Flat No.1, Anand Park, 368, Behind Koregaon Park Police Station, Koregaon Park, Pune, I seek to bring it to the notice of you all as under:

1. That my client has lodged FIR No.149/13 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 5 accused persons named above and the date of occurrence of the said offence is from 15.10.1989 to 4.6.2013.

2. My client states that the accused persons are Administrators of Osho Ashram situated at Koregaon Park, Pune 411001 and Trustees of Osho International Foundation, Zurich, Switzerland. My client states that Accused No.5, Mukesh Sarda is also Trustee of Osho International Foundation, Mumbai as well of Zurich, Switzerland. The brief facts of the offences committed by the accused persons is as under :

“Said Six Trustees and their conspirators look after Osho Ashram and income as well as transactions of intellectual property. Other members also assist them.

Osho alias Bhagwan Shree Rajneesh has written 650 books. They have been translated into 65 languages and published. There are also audio-video seremons. The income received from this intellectual property is millions of US Dollars. Aforementioned accused no. 1, 2, 4 and 6 Trustees have established companies out of India and are transferring all said income of the trusts into it. And accused No. 5 along with his conspirators has established companies in India (List of companies). The information regarding their malpractice is known to me as well

as to the disciples of Bhagwan Shree Rajneesh worldwide. Since that time court cases were initiated against said trustees in America, Europe, Mumbai. Out of them, judgment in court of America has been delivered against said 6 trustees (except accused no. 3 who is involved only in forging Osho's Will) and in favour of disciples.

At present cases are going on against 6 trustees and their conspirators (except No.3) in the courts of Europe and Mumbai. These cases are filed against them and their conspirators since they have transferred the properties and cash worth more than 800 Crores (now this figure has reach to Rs.800 Crores – as per the present market value) in their names and in the name of their company.

Out of said 6 trustees, on behalf of them, Mr. Philip Toelkes alias Prem Niren has presented "Will" dated 15/10/1989 of Osho alias Bhagwan Shree Rajneesh in the case going on in the court of Europe. The said forged Will is created at Pune. None of the disciples have any idea or information about said Will. The said "Will" has been presented by these Trustees after 23 years (of Osho's demise). According to said "Will" all said Trustees (except accused no.2, 5 & 6), including Sr. No.1 Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh, have been authorized to use the rights and income from intellectual property of Osho and income from other sources thereby in any manner as per their discretion. If said Trustees have acquired such authority, then why they have not presented said "Will" in court case of America..?? After 23 years they have presented said "Will" in European Court. The disciples of Osho worldwide have doubt in this regard. According to the findings of the experts at four different places, at Italy in Europe, Delhi and Aurangabad in Maharashtra, India; the signature on the said Will is not Osho's personal signature.

Thus, aforementioned accused in collusion for their benefit and in order to use income from various branches of Osho Trust, intellectual property and other income have prepared "False Will" and submitted to the court pretending that it is true and cheated by presenting it on 4/6/2013."

3. My client has while lodging FIR, has furnished copies of Experts' Reports which sets out that the said "Will" prepared by the accused persons is forged, fabricated & fraudulent and hence offences under Sections 465, 467, 471, 120(B) of I.P.C. has been committed by the said accused persons.
 4. My client seeks to apprise you all that the first information in the form of written complaint u/s. 154 of the Cr.P.C was lodged with the Koregaon Park Police Station and Commissioner of Police Pune on 18.11.2013. And the same was registered as FIR on 8.12.2013 and thereafter until date, investigation in the said FIR has not been initiated by the Koregaon Park Police Station and the said FIR No.149/13 is gathering dust since the time it has been registered. My client is sure that the Investigating Officer and the Senior Inspector of the Koregaon Park Police Station, have on purpose not proceeded with the investigations as the 6 accused persons who have enough clout to keep Police from investigating the offences committed by the accused persons. My client states that amongst 6 accused persons, 5 are foreigners and have continued to commit further offences by fraudulently transferring royalties OSHO's Intellectual Property Rights assets to their Private Companies around the world and have siphoned 100's of crores of rupees including assets in India and abroad. The details of these companies are annexed with the said Police Complaints filed by my clients.
 5. My client states that out of said 6 trustees, on behalf of them, Mr. Philip Toelkes alias Prem Niren has presented "Will" dated 15.10.89 of Osho [Alias
-

Bhagwan Shree Rajneesh] in the case in European Court. My client states that the said Will is prepared at Pune, none of the disciples have any idea or information about said Will, the said "Will" has been presented by these Trustees after 23 years (of Osho's demise) and according to said "Will" all said 6 Trustees, including Sr. No.1 Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh, have been authorized to use the rights and income from intellectual property of Osho and income from other sources thereby in any manner as per their discretion. My client seeks to inform you that Osho's personal belongings, Signature Paintings, Library books carrying Osho's signatures are smuggled out of India [Ref. Auction of ware house boxes in US]. My client states that if said Trustees have acquired such authority, then why they have not presented said "Will" prior to 2013 in court case of America...?? After 23 years they have presented said "Will" in European Court. My client states that the disciples of Osho worldwide have doubt in this regard and the offences committed by the perpetrators are gross, serious offences which are punishable by life or 10 years. My client states that according to the findings of the experts at four different places, at Italy in Europe, Delhi and Aurangabad in Maharashtra, India; the signature on the said Will is not Osho's personal signature, and it is obvious that the Koregaon Park Police Station either do not wish to investigate or have no acumen to investigate the offences which has been committed by the perpetrators in India and abroad.

6. My client states that Koregaon Park Police Station has since last 2 years have been mute spectator to the offences committed by the accused persons. My clients states that in view of the patronage of Koregaon Park Police Station, its

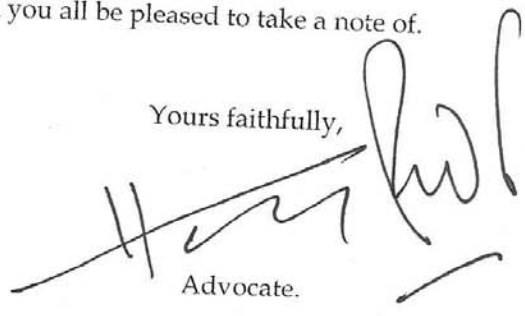
officers with the accused persons, my client does not believe that any purpose would be served in Koregaon Park Police Station continues to gather any more dust on the FIR No.149/13 registered on 8.12.2013.

7. My client hence calls upon you to transfer the investigations to the Central Bureau of Investigation [CBI] to ensure that FIR No.149/13 registered at Koregaon Park Police Station on 8.12.2013 along with the detailed information provided in written Complaint filed on 18.11.2013 is thoroughly investigated as the offences committed by the accused persons is frequently visiting India but staying abroad. And to ensure that the accused persons No.1, 3 & 4 who are foreigners are not allowed to leave the Country and abscond from the jurisdiction of the Indian Law Enforcing Agency.

In the said circumstances my client hence calls upon you to forthwith hand over and transfer the investigation in FIR No.149/13 registered on 8.12.2013 at Koregaon Park Police Station to the Central Bureau of Investigation [CBI] failing which my client shall be constrained to move the Hon'ble High Court seeking reliefs against you all, which you all be pleased to take a note of.

Thanking you,

Yours faithfully,



Advocate.

EXL-P 118 P

Country-wise List of Business Corporations established by the Trustees around the World

Organisation	Regi. number	Registered address	Trustee	Function as Director/ Trustee
Switzerland				
1 Osho International Foundation	CH-020.7.902.835-7	Bahnhofstrasse 52, 8001 Zurich, Switzerland	i) Michael Byrne ii) John Andrews iii) D'arcy Byrne iv) Mukesh Sarda (recently Retired), v) Klaus Steeg vi) Rudolf Kocher Dr. John Andrews	i) Chairman ii) Vice-Chairman others as members All except (vi) are Directors of the following Companies
2 Osho Spiritual Health Organisation	CH-020.7.000.026-5	Bahnhofstrasse 52 Zurich, Switzerland	Dr. John Andrews	Trustee/ Director/ Benami Trustee
India:				
3 Osho International Foundation Regd. Under Bombay Public Trust act 1950	F- 14570	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda Devendra Singh Dewal Sadhana Belapurkar Lal Pratap Sing Vidya Khubchandani (Retd.)	All as Trustees and Directors
4 Neo Sannyas Foundation formally Rajneesh Foundation and Jeevan Jagriti Kendra Regd. Under Bombay Public Trust act 1950	E 625 (Pune) Office shifted to Mumbai in 2012 new trust number not allotted	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda Devendra Singh Dewal Vidya Khubchandani	All as Trustees and Directors
5 Zen Properties Pvt. Ltd. Formally Spatio Land Devl. Pvt. Ltd.	U70101MH1985PTC0371 84	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda Vidya Khubchandani	All as Trustees and Directors
6 Osho Multimedia & Resorts Private Limited	U85110MH2001PTC1335 24	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda Vidya Khubchandani Devendra Singh Dewal Lalpratap Singh	All as Trustees and Directors
7 Soleri Land Development Pvt. Ltd.	U70101MH1985PTC0371 86	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda Devendra Singh Dewal	All as Trustees and Directors

**Country-wise List of Business Corporations established by the Trustees
around the World**

Organisation	Regi. number	Registered address	Trustee	Function as Director/ Trustee
8 Ami Industrial leasing and Holding Pvt. Ltd.	U65910MH1983PTC0315 64	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda Devendra Singh Dewal	All as Trustees and Directors
9 Zen Foundation	U85100MH2011NPL2200 23	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda	All as Trustees and Directors
10 Zen Agro Pvt. Ltd.	U01110MH1995PTC0932 57	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Vidya Khubchandani Mukesh Sarda Devendra Singh Dewal	All as Trustees and Directors
11 Adaptive Natural Biometrics India Pvt. Ltd.	U72900MH2008PTC1773 64	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Mukesh Sarda	All as Trustees and Directors
12 Darshan Trust		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 Vidya Khubchandani Anand Kumar Avasthi	All as Trustees and Directors
America				
13 America Multi Media Corporation	DOS-ID 2112270	570, Lexington Ave., New York 10022 (mail addr.:80 Fifth Avenue, STE. 1004, New York 10011)	Steeg, Klaus	President since 1995
4 America multimedia corporation (Arizona USA)	FILE NO 0752739-1	410, Park Avenue, 15th floor New York NY 1022 US	klaus steeg and D'arcy Byrne	Director member
5 Osho international corporation (New York, USA)	DOS ID 3976140.filing date 23.07.2010 dba : Osho international	410, Park Avenue, 15th floor,New York NY 1022 US	Steeg, Klaus	
6 Master Zone Ltd	02808691	410, Park Avenue, 15th floor New York NY 1022 US	D'Arcy O'Byrne, Steeg, Klaus Aronson, Bill	Director Director Director

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**Country-wise List of Business Corporations established by the Trustees
around the World**

Organisation	Regi. number	Registered address	Trustee	Function as Director/ Trustee
17 Mayfair Consultants International Ltd.	06471601	410, Park Avenue, 15th floor New York NY 1022 US	D'Arcy O'Byrne, Steeg, Klaus	Director Secretary
18 Osho Foundation America, Inc.	DOS-ID 2431737	570, Lexington Ave., New York 10022	O'Byrne, D'Arcy	Director
19 Osho Foundation America, Inc.	DOS-ID 2431737	570, Lexington Ave., New York 10022	O'Byrne, D'Arcy	Director
20 Osho International Corporation	DOS-ID 3976140	225 West 39. Street, New York 10018 (mail addr.: 410 Park Ave., 15th Floor, New York 10022)	Steeg, Klaus Niet, Paul Pandya, Apu	Director Employee Employee
Hongkong				
21 Osho Digital Media Ltd.	1388337	6F FWD Financial CTR 308 DES VOEUX RD Central Hong Kong AND Suit 1201, Convention Plaza Apartment 1, Harbour Road Wanchai Hong Kong	Michael O'Byrne (Byrne), John Andrews	Directors
22 O International Digital Media Ltd.	1388337	6/F FWD Financial CTR 308 Des Voeux RD CENTRAL, Hong Kong	Michael Byrne and John Andrews	
Ireland				
23 Adaptive Neural Biometrics Holdings limited	524948	Cork ,Ireland	Michael Byrne And D'Arcy O'Byrne	Director
24 Adaptive Neural Biometrics Limited	524622	Cork ,Ireland	Michael Byrne and O'Byrne	D'Arcy
25 Osho Media International Ltd. business name: Osho international	511572	Office 6F, Unit 6, KCR Business Estate Kimmage Dublin 12 AND River side One, Sir John Rogerson's Quay Dublin 2	Darcy O'Byrne, Ronald Tanner	Directors

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**Country-wise List of Business Corporations established by the Trustees
around the World**

Organisation	Regi. number	Registered address	Trustee	Function as Director/ Trustee
26 Mayfair media international limited	503559	Cork Ireland	Michael Byrne and D'arcy Byrne	Director
UK				
27 Mayfair Media International Ltd.	06471601	Acre House, 11-15 William Road, London, NW1 3ER	D'Arcy O'Byrne, Klaus Steeg	Director Director
28 Rebel Films Ltd	2837586	Acre House, 11-15 William Road, London, NW1 3ER	Klaus Steeg, Bill Aronson, Keith Yashen Jones, Klaus Steeg	Director Secretary Director
29 Mayfair Consultants International Limited	6471601	London England	D'arcy O'Byrne	Directors
30 Osho Digital Rights Ltd.	06494401	Acre House, 11-15 William Road, London, NW1 3ER	O'Byrne, D'Arcy	Director
Company Directors Vs Trustees				
Legal Name		Sannyas Name	Trustees in	Directors in
1 Michael Byrne		Anand Jayesh	OIF, Zurich, OIF Mumbai/ NSF (as Benami Trustee)	Companies in Ireland as stated above in Hong Kong and Ireland
2 John Andrews		Amrito	OIF, Zurich, OIF Mumbai/ NSF (as Benami Trustee)	Companies in Ireland as stated above in Hong Kong and Ireland
3 D'arcy Byrne		Yogendra aka Anand Raj	OIF, Zurich, OIF Mumbai/ NSF (as Benami Trustee)	Companies in Ireland as stated above in US, UK and Ireland
4 Klaus Steeg,		Pramod	OIF, Zurich, OIF Mumbai/ NSF (as Benami Trustee)	Companies in Ireland as stated above in US, UK and Hong Kong
5 Rudolf Kocher			OIF, Zurich, OIF Mumbai/ NSF (as Benami Trustee)	Not Known

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**Country-wise List of Business Corporations established by the Trustees
around the World**

Organisation	Regi. number	Registered address	Trustee	Function as Director/ Trustee
6 Mukesh Kantilal Sarda		Mukesh Bharti	Trustee in OIF Zurich and Mumbai and NSF, Mumbai	Directors as all the Companies in India as stated above
7 Vidya Khubchandani		Vidya Bharti	Trustee in OIF, Mumbai and NSF, Pune/ Mumbai	Directors as all the Companies in India as stated above
8 Devendra Singh Dewal		Devendra Bharti	Trustee in OIF, Mumbai and NSF, Pune/ Mumbai	Directors as all the Companies in India as stated above
9 Sadhna Belapurkar		Amrut Sadhna	Trustee in OIF, Mumbai	Share holder in OMR, Mumbai
10 Lal Pratap Singh		Yoga Pratap	Trustee in OIF, Mumbai	Share holder in OMR, Mumbai
11 Anand Kumar Avasthi		Anand Satyarthi	Trustee in OIF, Mumbai	Share holder in OMR, Mumbai
Indian Company description				
Zen= Zen Properties Pvt. Ltd., Mumbai / Spatio Land Development Pvt. Ltd. Mumbai				
OMR = Osho Multimedia & Resorts Pvt. Ltd.				
OIF, Zurich= Osho International Foundation Switzerland				
OIF, Mumbai= Osho International Foundation, Mumbai India				
NSF = Neo Sannyas Foundation / Rajneesh Foundation, Poona/ Mumbai India				
Others Private Limited Companies around the World are described as above				