

अर्जट / साधा

अर्ज नंबर 733116

एकूण पाने 12

लिहीणावळ 4

एकूण रूपये 48/-

अर्जदार

यांना नक्कल दिली

दिनांक 24/09/16

सहा. अधीक्षक

प्रथमवर्ग न्यायदंडाधिकारी फौजदारी

न्यायालय क्र. 3, पुणे



नकलेचा अर्ज आला 14. 109/2016

अर्जाची पुर्तता झाली 24/09/2016  
प्रमाणे

सहा. अधीक्षक

प्रथमवर्ग न्यायदंडाधिकारी फौजदारी

न्यायालय क्र. 3, पुणे

नक्कल तयार दिनांक 24/09/2016

सहा. अधीक्षक

प्रथमवर्ग न्यायदंडाधिकारी फौजदारी

न्यायालय क्र. 3, पुणे

39 4/10  
C.M.A. No. 39 4/10  
Presented on 29 AUG 2016  
UJEC  
M. F. Court No. Pune

In the Court of Judicial Magistrate First Class No. 3  
at Pune

Regular Criminal Case No. /2016

Filing No. 37767

Computer Section  
Criminal Courts, Pune.

Date: 29 AUG 2016

प्रति  
सर्वे  
अचूक भरती के लिये  
अचूक भरती के लिये

डॉ. सौ. जाधव  
(भारत के न्यायाधीशों के नाम व सहो)

)..Complainant

1/ 329112  
Nishor Labhshankar Raval,  
Alias Swami Prem Anadi,  
Age 55 years Occupation Business,  
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](mailto:anadi.raval@gmail.com)

V/s.

1. Mukesh Kantilal Sarda  
Alias Swami Mukesh Bharti  
Age: About 65 years.  
Occupation: Buisness.  
R/At: OSHO Commune International  
50, Koregaon Park, Pune - 411 001  
E mail : [mukesh@osho.net](mailto:mukesh@osho.net)  
Mobile #: +919820101930  
Landline #: 02066019804

2. Devendra Singh Dewal  
Alias Swami Devendra  
Age: About 60 years.  
Occupation: Business.  
R/At: OSHO Commune International

17, Koregaon Park, Pune - 411 001 )

Email : [devendra@osho.net](mailto:devendra@osho.net)> )

Phone: 02066019955 )

Mobile: +919890177767 )

3. Anand Kumar Avasthi )

*Alias Swami Anand Satyarthi* )

Age: About 58 years. Occupation : Business. )

R/At: OSHO Commune International )

17, Koregaon Park, Pune - 411 001 )

E mail : [satyarthi@osho.net](mailto:satyarthi@osho.net) )

Phone: 0206601s9963 )

Mobile: +919823042365 )

4. Vidya Khubchandani )

*Alias Ma Vidya Bharti* )

Age : About 58 years. )

Occupation : Buisness. )

R/At : OSHO Commune International )

17, Koregaon Park, Pune - 411 001 )

E mail : [vidya@osho.net](mailto:vidya@osho.net)> )

Phone: 02066019705 )

Mobile: +919850122124 )

5. Lal Pratap Singh )

*Alias Swami Yog Pratap* )

Age : About 70 years. )

Occupation : Buisness )

R/At : OSHO Commune International )


17, Koregaon Park, Pune - 411 001 )

6. Mrs. Sadhna Bepalurkar )  
Alias Ma Amrit Sadhna )  
Age : About 65 years. )  
Occupation : Buisness )  
R/At : : OSHO Commune International )  
17, Koregaon Park, Pune - 411 001 )  
E mail : [sadhana@osho.net](mailto:sadhana@osho.net) )  
Phone: 02066019940 )  
Mobile: +919822027153 )

7. Bimal R. Desai )  
Age: Adult Occupation: C. A. )  
Office Address: M/s. Chhotalal H. Shah )  
Damodar Mansion, 1<sup>st</sup>floor, )  
15 A. K. Naik Marg )  
Fort. Mumbai 400001. )  
Email : [chshah\\_co@vsnl.net](mailto:chshah_co@vsnl.net) )  
Tel No.: 022-22011787/022-22019193 )

8. Ketan S. Patel )  
Age: Adult Occupation: C. A. )  
Office Address: M/S. Chhotalal H. Shah )  
Damodar Mansion, 1<sup>st</sup>floor, )  
15 A. K. Naik Marg )  
Fort. Mumbai 400001. )  
Tel No.: 022-22011787/022-22019193 )

**.. Accused**



**Complaint for offences committed by the Accused  
Persons for offences punishable u/s 406,  
409, 420, 120-B r/w 34 Indian Penal Code.**


I Kishor Labhshankar Raval/[Alias Swami Prem Anadi], the  
Complainant hereby beg to state as under:-

1. That the Accused No.1 to 8 above named during the period of about 14 years since the year 2002 till this date have committed offences at "OSHO Guest House" [OSHO Dharamshala] situated at plot no. 9, Koregaon road, Pune which is within the jurisdiction of this Hon'ble Court.

2. **Brief Facts of the Complaint are as under:**

i. The Complainant had come to OSHO also known as *Bhagwan Shree Rajneesh* in the year 1978, & he was initiated in Sannyas in 1980; and there after worked in the Ashram from the year 1983 till 2000. Even thereafter, the Complainant continued to visit OSHO Commune for participation in OSHO's Samadhi and Meditations. During his full time active involvements the Complainant had been a trustee of Blue Lotus, a registered Public Charitable trust. This said Blue Lotus Trust was the co-owner of the property bearing Bungalow no. 9 admeasuring 7485.54 Sq. Meters situated at Koregaon Road, Pune. This said Blue Lotus Trust was amalgamated in the year 1990 with OSHO International Foundation also a duly registered Public Charitable Trust, bearing registration No. F-14570(M). By this amalgamation, the said bungalow No.9 came to be held by the OSHO International Foundation. The Complainant is also a donor of another property viz. his share in the Bungalow No.4 admeasuring about 5588 square meters situated at Lane No.1 Koregaon Park Pune to the said OSHO International Foundation by Deed of Endowment dated 24<sup>th</sup> December 1997

ii. Therefore, the Complainant is conversant with the facts and events happened in relation to the management of the popularly known Rajneesh Ashram. The Complainant for above reasons is also interested in the welfare and development of the Trust. Complainant was a regular visitor to Rajneesh Ashram and participated in OSHO's Samadhi and meditations. Bhagwan Shree Rajneesh known as OSHO left his body (died) on 19<sup>th</sup> January 1990. However the Complainant continued to work actively as a volunteer as several other OSHO Sannyasins who were working in the Ashram. The Complainant is therefore conversant with the facts and misdeeds of Accused Nos. 1 to



8 who have committed serious offences, and are continuing to do so even now.

iii. That since 2012 the Complainant and others are trying to protect the interest and welfare of the said trust by bringing to light, several misdeeds and offences committed by the Accused Nos. 1 to 8. The Complainant filed Applications u/s '41- E' of the Bombay Public Trust Act, but the Accused Nos. 1 to 8 continued with their nefarious activities. The Complainant and others made further investigation and learned that the Accused Nos. 1 to 8 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.

**iv. The Modus Operandi :-**

The OSHO International Foundation is also owner of "OSHO Guest House" also known as "OSHO Dharmshala". The said OSHO Dharmshala is situated on the Plot No.9 of Koregaon Road Pune. The construction of "OSHO Dharmshala" was completed in or about the year 2001. There are about 30 rooms in the said guest house, which was constructed with the object of providing accommodation facility to the devotees of OSHO who come to visit OSHO Samadhi and do the meditations. The devotees of OSHO come from various cities from India and Foreign countries. The occupiers of the said rooms are required to pay charges for the same on daily basis. The said rooms are Double Rooms i.e. two persons can share the room on twin sharing basis. the estimated gross income for the said 30 rooms amounts approximately to about Rs.1,25,000/- [*Rupees One Lac Twenty-five Thousand*] Per Day, which comes to about Rs.4,56,25,000/- [*Rs. Four Crores Fifty six Lakhs Twenty-five Thousand*] per year.

That Now it is revealed that the income received from the said OSHO Guest House is not deposited/transferred in the account of OSHO International Foundation but the same is illegally, fraudulently 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 Pvt. Ltd has been created fraudulently with the sole object of siphoning off and misappropriating the income received from OSHO Guest House. The income received from "OSHO Guest House" right fully belongs to OSHO International Foundation. The said OSHO Multimedia & Resorts Pvt. Ltd. is a 'utility- vehicle' for siphoning the income of the trust to the said OSHO Multimedia &

*Resorts Pvt. Ltd.*, of which the accused are the directors and Share holders. The Accused are also trustees of *OSHO International Foundation*. In short, the *OSHO Multimedia and Resorts Pvt. Ltd.* is created only as a front, but the real beneficiaries are the Accused Nos.1 to 6. Thus the income of *OSHO International Foundation* is misappropriated by the Accused Nos.1 to 6 in this clandestine manner. The total amount of income misappropriated by the accused as from 2005 to 2015 amounts approximately to Rs.70,00,00,000/- [*Rupees Seventy Crores*]. The turnover figures from the year 2002 to 2004 are not available & which needs thorough investigation by the Police.

**v. ROLE OF ACCUSED:**

The Accused No. 1 to 6 are the present & past Trustees of *OSHO International Foundation* and are also Directors and share holders of said *OSHO Multimedia and Resorts Pvt. Ltd.* The Accused no. 1 to 6 are occupying dual position to perpetrate fraud & criminal breach of trust for last 14 years & are continuing to do so. The Accused No. 7 and 8 are the Chartered Accountants who have added and abetted Accused No. 1 to 6 in commission of the offence.

a. Accused Nos.1 & 2 are present trustees of "*OSHO International Foundation*", & also present directors & share holders of "*OSHO Multimedia & Resorts Pvt. Ltd.*" which was created by them.

b. The Accused No.3 is the Ex-trustees of the *OSHO International Foundation* & present share holder of the said *OSHO Multimedia & Resorts Pvt. Ltd.* to whose account the income is fraudulently divested. Similarly Accused No.3 Anand Kumar Awasthi is also past trustee of *OSHO International foundation* & present share holder in *OSHO Multi Media Pvt. Ltd.*, & thus share the common intention with other accused.

c. The Accused No.4 Vidya Khubchandani is also a director & a share holder of *OSHO multi Media & Resorts Pvt. Ltd.*, is benefiting from the said fraud. She is ex-trustee of *OSHO International Foundation* & present trustee of *Neo Sannyas Foundation* [*formally known as Rajneesh Foundation*]. She has complete knowledge of the said fraud & shares the common intention with other accused has participated with the other Accused Persons.

d. The Accused Nos.3 & 4 have received the income from *OSHO Guest House* being the share holder of *OSHO Multimedia & Resorts Pvt. Ltd.*

e. Accused No. 5 is the present trustee of Osho International Foundation and share holder of *OSHO Multimedia & Resorts Pvt. Ltd* and beneficiary of misappropriated amount.

f. Accused No. 6 Sadhana Belapurkar is the trustee of *OSHO International Foundation* and is directly involved in the offence as the conspirator to the fraud as aforesaid and is intentionally conspiring and supporting the fraudulent & dishonest transfer of funds belonging to the trust of which she is trustee.

It is therefore clear that the Accused Nos. 1 to 6 are members of Criminal Conspiracy to commit frauds & thereby committed criminal breach of trust by criminally misappropriating fund which rightfully belongs to *OSHO International Foundation*.

3. The Complainant is in possession of three receipts issued by *OSHO Dharmshala/ OSHO Guest House* which shows that the amount paid by the customers of *OSHO Guest House* is being deposited in the account of *OSHO Multimedia and Resorts Pvt. Ltd*. The Copies of the same are attached here with and collectively marked as **Annexure - A**.

The Complainant is also attaching copy of Schedule-1 issued by Office of the Hon'ble Charity Commissioner Mumbai which shows that Plot No. 9 is owned by *OSHO International Foundation Trust*. The copy of the Schedule-1 is attached here with and marked as **Annexure - B**.

The Complainant has also annexed the copy of the order dated 9.11.1998 passed by the Hon'ble Charity Commissioner which shows that *OSHO Guest House* is exclusively owned by the *OSHO International Foundation*. It is marked as **Annexure- C**.

The Complainant has also annexed copy of the list of the names of directors & share holders of *OSHO Multimedia & Resorts Pvt. ltd*. It is marked as **Annexure - D**.

4. The Complainant submits that the accused have thus committed offences punishable u/s- 406, 409, 420, 120-B r/w 34 of the Indian Penal Code.
5. That the Complainant filed a written complaint dated 25.3.2016 to the Inspector of Police, Koregaon Park Police Station, Pune city but he failed to take cognizance of the offence. That, thereafter the Complainant sent the said complaint on 23.4.2016 to the Commissioner of Police also, but of no avail.
6. The Complainant submits that the Accused Persons have misappropriated huge amount of over Rs.70 Crores & continuing to



do so. The documentary evidences such as accounts books, ledger, receipt books and balance sheet etc. are in possession of Accused Persons and are required to be seized and produced which is possible during police investigation only. The income transferred in the accounts of *OSHO Multimedia & Resort Pvt. Ltd.* has been again transferred to the individual accounts of accused. The names of said Banks and the numbers of said accounts is also known to Accused Persons. Only during Police Investigation including custodial investigation such information can be obtained. It is also necessary to obtain information regarding the Income Tax Returns Filed by *OSHO International Foundation* as well as *OSHO Multimedia & Resorts Pvt. Ltd.*

The audit work of both *OSHO International Foundation & OSHO Multimedia & Resorts Pvt. Ltd.* has been done by the same C.A. Firm M/s. Chhotalal H. Shah & Co. (Regd) of Accused Nos. 7 & 8 for the relevant period. The Audit Reports are signed & issued by the Accused Nos. 7 *Bimal R. Desai* and Accuse No. 8 *Ketan S. Patel*. The said Accused are aware of the law that the income belonging to the trust *OSHO International Foundation* cannot be transferred or misappropriated to the accounts of Trustees, yet have deliberately indulged in the Criminal Conspiracy. Both the said Accused know about the entire financial affairs of the aforesaid Trust as well as aforesaid company. They have full knowledge of the offences and have aided & abetted Accused Nos. 1 to 6 in commission of said offences. They have not informed the Charity Commissioner about the same and have helped the other Accused Persons. The offences committed by the Accused No. 1 to 8 are cognizable offences and very serious offences as the amount misappropriated is enormous and also it is Public Fund.

7. In view of the facts set out hereinabove the complainant says that the detailed investigation on following points is very much essential:
- a) To investigate the said fraud;
  - b) To inspect and take into custody the records of *OSHO International Foundation* as well as *OSHO Multimedia & Resorts Pvt. Ltd.*;
  - c) The other documents used while committing the offence are required to be recovered;
  - d) Which other persons from *OSHO International Foundation* as well as *OSHO Multimedia & Resorts Pvt. Ltd.* are hands in gloves with the Accused Persons;
  - e) How much money is wrongfully gained by each of the Accused Persons amongst others;
  - f) To seize all the yearly reports issued by Accused No. 7 & 8 in respect of *Osho International Foundation* as well as *Osho*

Multimedia and Resorts Pvt. Ltd. The accused No. 7 and 8 have not only issued said false reports but also the same were used for obtaining huge amounts of loans from Banks.

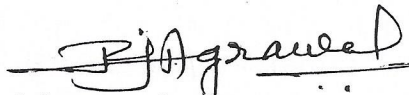
It is therefore necessary in the interest of justice to direct the officer of Koregaon Park Police Station Pune City to register the offence and to investigate the same U/S 156 (3) of Criminal Procedure Code.

**The Complainant therefore prays that:**

- a) This Hon'ble Court may be pleased to pass an order U/S 156 (3) of Criminal Procedure Code and order the investigation.
- b) The accused No. 1 to 8 be punished according to Law.
- c) Such orders as may be deemed necessary in the interest of Justice may be passed.

Pune

Date: 29/8/2016

  
Advocate for Complainant

  
**Complainant**

List of Witness: P.T.O.

**LIST OF WITNESSES :**



1. Kishor Labhshankar Raval [The Complainant]

2. Yogesh Natwerlal Thakkar aka Swami Prem Geet

[1-Anand Park, Behind Koregaon Park Police Station, Koregaon Park,  
Pune - 411001]

3. Sunil Khatri

[727, Russel Chowk, Napier Town, behind Agarwal Color lab Jabalpur  
(M.P) 482002]

4. Dr. Rajpal

[House No. 68/3, Sitaram Colony, Gurgaon, Haryana - 122604]

5. Manorama Goswami

Kailash Bungalow, Block No. 44, Sector 18, Near Tin Tanki, Kopar  
Khairne, Vashi, Navi Mumbai.

MA NO. 3977/2016  
Kishor V/s Mukesh & ors

ORDER BELOW EXH 1

The present application/ complaint is filed for issuance of directions under section 156(3) of Code of Criminal Procedure for investigation or taking action against the accused for offence punishable under sections 406 , 409, 420, 120 B r/w 34 of IPC.

2) Perused the complaint and documents on record. Heard ld Advocate Shri. Agrawal for the complainant. It is the case of the complainant that, accused no. 1 to 6 are the present and past trustees of OSHO International Foundation and also Directors and Share holders of OSHO Multimedia and Resorts Pvt.Ltd. OSHO International Foundation is registered trust and has constructed OSHO Dharmashala at Plot no. 9, Koregaonpark, Pune in or about the year 2001 and Rs. 1, 25,000/- per day income is receiving therefrom. However, accused no. 1 to 6 with common intention alongwith accused no. 7 and 8, who are their C.A are illegally transferring the income of OSHO Dharmashala to the account of OSHO Multimedia and Resorts Pvt. Ltd and thereafter, transfer it to their own bank account.

3) On perusal of documents it prima faice appears that, OSHO Multimedia and Resorts Pvt. Ltd is registered company and accused no. 1 to 6 are its Directors and Share holders. The complainant has also made an application to the Charity Commissioner under section 41 E of The Bombay Public Trust Act. Considering the facts and circumstances of the case, I am of the considered opinion that, there is

no case for directing investigation under section 156 (3) of Cr.P.C. So also, the application/ complaint is not supported by affidavit which is mandatory. Hence, I pass following order.

**ORDER**

- 1) The prayer for directing investigation under section 156(3) of Cr.P.C is rejected.
- 2) The case be fixed for recording of verification of the complainant on next date.

Date. 14/09/2016

*SDA 14/9/16*  
(P.T.Gótey)  
Judicial Magistrate First Class,  
Court No.3, Pune.

Xerox  
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*[Signature]*  
Jr. Clerk



**'TRUE COPY'**

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C. Court No. 3, Pune