IN THE HON'BLE HIGH COURT JUDICATURE OF HYDERABAD FOR THE STATES OF TELANGANA AND ANDHRA PRADESH.

W.P.No. 40742 OF 2016

Between:

1. Operation Mobilization India, Rep.by Dr.Joseph D'Souza, S/o Sri Lawrence Xavier D'Souza, Age 66 years, Opp. Principal Trustee of Operation Mobilization India Trust, R/o Flat No. 34, Father Balaiah Nagar, Old Alwal, Secunderabad-500010

2. Dr.Joseph D'Souza, S/o Sri Lawrence Xavier D'Souza, Age 66 years, Opp. Principal Trustee of Operation Mobilization India Trust, R/o Flat No. 34, Father Balaiah Nagar, Old Alwal, Secunderabad-500010

3. Josh D'Souza S/o Joseph D'Souza, Age 37 years, Opp. Treasurer of Operation Mobilization India Trust, R/o Flat No. 34, Father Balaiah Nagar, Old Alwal, Secunderabad-500010

4. Alfred E.Franks S/o Edward Franks, Age 78 years, Opp. Trustee, Operation Mobilization India Trust, R/o Plot No. 142, Telecom Colony, Kanahiguda, Alwal Secunderabad-500015

5. Kurin Varghese S/o Cherian Varghese, Age 64 years, Occ. Trustee, Operation Mobilization India Trust, R/o Plot No. 4, behind Father Balaiah Nagar, Old Alwal, Secunderabad-50001

6. Kumar Swamy S/o Dorai Swamy Age 63 years, Occ. Trustee, Operation Mobilization India Trust, R/o Plot NO. 205, Prithvi Nagar Vihar, Spring Fields Colony, Jeedimetla (V), Secunderabad – 500010

7. Kevin Kadwell S/o Danny Kadwell, Age 46 years, Occ. Consultant, Operation Mobilization Trust R/o Flat No. 87-5-98/87, Father Balaiah Nagar, Old Alwal, Secunderabad – 500010.

8. Leah Kadwell W/o Kevin Kadwell, age 43 years, Occ. Consultant, Operation Mobilization Trust R/o Flat No. 87-5-98/87, Father Balaiah Nagar, Old Alwal, Secunderabad – 500010.

Petitioners/A-1 to A8

Attester
Dy. Supdt. of Police
EOW, CID,
T.S. Hyderabad.

Deponent
DSP
Dy. Supdt. of Police
EOW, CID,
T.S. Hyderabad.

AND

1. The State of Telangana,
   rep. by Its Principal Secretary,
   Home Dept., Secretariat, Hyderabad.

2. The Director General of Police,
   Telangana State, Hyderabad.

3. The Addl.Director General of Police,
   CID, Telangana State, Hyderabad.

4. The Deputy Superintendent of Police,
   EOW, CID, Telangana State, Hyderabad

..Respondents 1 to 5.

COUNTER AFFIDAVIT FILED BY THE RESPONDENT HEREIN

I, K.V.Ram Narsimha Reddy, S/o Sri K.Raghava Reddy (Late), age 54 years, Occ: Deputy Superintendent of Police, Economic Offences Wing, Crime Investigation Department, Telangana, Hyderabad, do hereby solemnly and sincerely state on oath as follows:

It is respectfully submit that I am working as Deputy Superintendent of Police, Economic Offences Wing, CID, Hyderabad (R-4) and Investigation Officer and as such, I am well acquainted with the facts of the instant case.

It is respectfully submit that the brief facts of the case are that on 29-09-2016 the de-facto complainant Sri Gowripaga Albert Lael, former Chief Financial Officer for OM Group of Charities has reported that the Group of Charities O.M. India is a religious Trust registered under Bombay Public Trust Act and also running different Charities/NGOs from the same office/premises known as 1) Operation Mercy India Foundation,2) OM Books Foundation, International Bible Society (Biblica), 3) Good Shepherd Community Society, 4) All India Christian Council, 5) Mercy Community Development Foundation and 6) Dayspring Enterprises of India, 7) Kadwell Consultancy Pvt. Ltd., etc with 7 FCRA numbers involving an annual turnover of Rs. 200 crores. The petitioner No.2/A-2, his son, the 3rd petitioner/ A-3

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with the active connivance of 4th to 8th petitioners/A-4 to A-8 have deceitfully indulged in mass embezzlement of public funds and diverted the funds by maintaining forged accounts, falsification of accounts and causing huge loss to the beneficiaries of underprivileged communities, particularly Dalits.

It is respectfully submitted that the petitioner/ A-1 has self-designated as the Chairman of the above trust, self-declared Bishop and Moderator to the OM International leadership consistently from 2008and sister concerned companies/charities with the criminal intention to gain wrongfully and appointed his son (Petitioner No.3/ A-3) as Chief Financial Officer, daughter as Director for Health Initiative, daughter-in-law as Skin Specialist, his brothers and his henchmen and other US citizens like Petitioner No.7 and / A-7 and A-8 and swiped away huge funds, which were obtained from the poor students in shape of fee and foreign donated funds by abusing their official position. The following funds were misappropriated by the petitioner No.2 with the active connivance of the petitioner No.3 to 8 on behalf of petitioner No.1ion of funds of the Dalit people.

1. **Misappropriation Rs.80 lakhs to 2 crores in sale of Bibles, which are to be distribute free of cost:** Funds were donated from the Churches, devotees within India and foreign countries to procure Holy Bibles for free distribution to the poor devotees free of cost. But the petitioners have sold out the Bibles dishonestly and fraudulently and gained wrongfully.
2. **Embezzlement of Trust funds (Tsunami Relief Fund) to the tune of Rs.4 to 5 Crores:** The petitioner No.1 has raised Rs. 4-5 crores in various countries towards tsunami relief fund to help the victim, homeless people and orphans. But, the entire funds have been misappropriated and embezzled by the petitioner No.2 & 3 and their henchmen with the active connivance of rest of the petitioners by creating fake, fabricated and pseudonymous name of beneficiaries in a large number of scale.
3. **Embezzlement of funds Rs. 4 crores from the Funds of the Trust by the Chairman and his son by showing falsification of records with the active connivance of others.** The International Bible Society has purchased the property of open plot No. 1204, admeasuring 1230 Sq. yards,

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situated at Jubilee Hills, Hyderabad and got registered the same in the year, 2002 vide Doc. No.3576/2002 of SRO, Banjara Hills, Hyderabad and built a palatial buildings. But, in furtherance of common objective of the petitioner No.2 and 3 with intention to gain wrongfully by breaching the Trust, sold out the above property for total Sale consideration of Rs.9.5 Crores by creating fake No – Objection certificate (NOC) from the concerned District Collector by violating the **Government Memo No.18205/ASSN-1(1)/2005, date: 20.12.2007 of Revenue (ASSN-1) Dept., AP, Hyderabad and** entered the sale proceedings was entered in the books of accounts as Rs.5.50 Crores instead of Rs.9.5 Crores.

4. **Diversion of donations worth of $ 400,000 US dollars meant for dalit education centers in India through hawala contrary to Foreign Contribution Regulation Act, Foreign Exchange Management Act and public trust acts / laws:** Mr. John Payne, UK citizen has donated of US $400,000 (Rs.2.40 Crores) for the establishment and maintenance of Dalit Educational Centers in India. Both the petitioners No.2 and 3 have misappropriated the same by showing the part of sale proceeds of Jubilee Hills property which was illegally sold by them.
5. **Diversion of Trust funds into private investments:** Petitioner No.2 and 3 have purchased several immovable properties by diverting the funds of the Trust.
6. **Accumulation of funds in Fixed Deposits (over 100 crores) meant for Dalit Schools / Dalit community.** The Trust have started nearly 50 new schools bringing the total number of schools to 103 with a goal was to provide high quality E/M education to the Dalit and the underprivileged children. The Trust has connected each child in GS Schools to a donor in abroad, who will be sponsoring child's education by paying $28 dollars per month. DFN Canada alone is sending money for over 10,000 sponsored students. Besides this separate funds are raised for buildings, school buses, books, uniforms, etc. from abroad. But, both the petitioner No.2 and 3 have illegally collected Admission fee, tuition fee and monthly fee in thousands and also donations from the parents of the children and misappropriated the amounts.

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Accordingly, a FIR case in Cr.No.22/2016 U/Sec.409, 420,477(A) IPC and Sec.37 of the Foreign Contribution Regulations Act, 2010 was registered at CID PS, TS, Hyderabad and it is under investigation.

It is respectfully submitted that the petitioners have mentioned in his petition that the impugned complaint is false and frivolous and is nothing but a malicious attempt by the de-facto complainant and others to harass and intimidate the petitioners and impugned investigation is illegal, unlawful and as such bad in law, in as much, as on the very same set of facts against them. The Police Pet Basheerabad PS of Cyberabad has conducted investigation on a Court referred complaint in Cr.No.350 of 2012 filed by the associate of the de-facto complainant, which was closed against them. As such, the petitioners praying the court that all the above allegations now made by the de-facto complainant are false and the impugned investigation in the instant case in Cr.No.22 of 2016 on the file of CID PS, TS, Hyderabad is not valid and sustainable in the eye of law and is liable to be quashed in limini and in toto. The impugned investigation is bad in law and is a clear case of abuse of process of law and continuation of the same would entail subjecting the petitioners to needless and unjustifiable suffering and agony and stigma of facing yet another investigation on the very same facts and circumstances already investigated into are totally false and baseless.

It is respectfully submitted that the CID is premier Investigation and did not abuse the law and as per the documentary and oral evidence only, it will register the case against the responsible persons, who committed fraud or illegal acts against the Constitution of India. The Police Pet Basheerabad has closed the case in Cr.No.350 of 2015 is only issuing the Notice U/Sec.91/160 Cr.P.C. and not responding the complainant and Cr.No.384/2012 is closed on the pretext that the complainant Sri K. Ratnakar wish to settle his score came out with the allegations and none of the allegations are proved and both the case closed as Lack of Evidence in the local Police Station Pet Basheerabad PS of Cyberabad. But the CID is having much documentary evidence against the petitioners/ A-1 to A-8 to prove the guilt of their illegal activities against poor

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Dalit people and their children and commission of illegal acts dishonestly and fraudulently and misappropriation of funds by diverting them to their own necessities.

The investigation revealed the widespread network of the offenders and illegal receipt of money in the guise of OM International Dalit Freedom Network camouflaged by severe offences of cheating, misappropriation of huge amounts, which were collected from the innocent Dalit people with a common intention and which is nicely camouflaged with the name of the Operation Mobilization India Group, Good Shepherd Schools and Dalit Freedom Network. Since, the investigation is proceeding to the depth of root level to analyse various ramifications involved in the money transactions held between the petitioners/A-1 to A-8 with active connivance of others. The said illegal receipt of amounts are widespread in the entire Telangana State and same requires thorough investigation and the offences being white collar crimes, need to be probed further by collecting several documents, examination witnesses. The Crime Investigation Department, Telangana State, Hyderabad being a premier Investigation Agency of the State in conducting in-depth investigation, into the matters pertaining to the illegal receipt of money from the innocent people in the guise of above Trust by the petitioners and to prosecute them as per law.

All the allegations made by the petitioners/A-1 to A-8 against the respondents No.1 to 5 are not correct, false and baseless, the same was made with a view to secure suitable orders from this Hon'ble Court by suppression of illegal acts done by the petitioners in Cr.No.22/2016 on the file of CID PS, Hyderabad and the contention of the petitioners regarding the cheating and misappropriation of amounts and methods used by them in money transactions are subjected to their wrongful gain and intentionally causing huge loss to the poor Dalit people on behalf of the OM India Trust and misappropriated huge funds of the Trust to the tune of Rs.200 Crores approximately to the matter of investigation in Cr.No.22/2016 of CID PS, TS, Hyderabad by the 4th respondent.

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If the petitioners are free, there is every possibility to destroy the evidence required to the investigation or influenced the witness and to tamper the evidence and obstacle the going smooth investigation and were escape from India by using their multiple VISA and Passport as the petitioners No. 7 & 8 are USA nationals.

Therefore, it is prayed that the Honourable Court in view of the aforesaid reasons, may pass appropriate orders that are deemed to be fit and proper by dismissing the writ petition and to consider the prayer of the respondent in the interest of justice.

Hence prayed.

DSP
INVESTIGATION OFFICER
(K.V. RAM NARSIMHA REDDY)
Deputy Superintendent of Police,
EOW, CID, TS, Hyderabad.

Dy: Supdt. of Police
EOW, CID,
T S, Hyderabad.

ATTESTER

Dy: Supdt. of Police
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VERIFICATION

I, K.V.Ram Narsimha Reddy, S/o Late Sri K.Raghava Reddy, age 54 years, Occ: Deputy Superintendent of Police, Economic Offences Wing, Crime Investigation Department, Telangana, Hyderabad, being the deponent herein, do hereby declare that the contents of the above paras are believed to be true and correct to the best of my knowledge.

Hence verified the same on this the day 16th of October, 2016 at Hyderabad.

DSP.

INVESTIGATION OFFICER
(K.V. RAM NARSIMHA REDDY)
Deputy Superintendent of Police,
EOW, CID, TS, Hyderabad.

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