

Judicial Form No. 53, (See Rule 42), (Chapter XXIII, Cr.P.C.)

SWORN STATEMENT OF HEMALATHA PRASAD
IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, PUDUCHERRY
Crmp. No. 1000 /2023

Name : Hemalatha prasad

Father Name :

Solemnly affirmed in accordance with the provisions of Oaths Act, 1969 (Central Act 44 of 1969) on the **08th day of May 2023.**

Sworn statement continuation :

A1 is the trustee of Udyog trust and he also the secreatary of Sri Aurobindo Ashram. The document No. 8 is the copy of the gazzette notification of the Govt. of India. The registered office of Udyog trust is at " Harapagom " No. 3-5, Aurobindo Street (Dupuy street), Puducherry – 1. This buildiing in which the Udyog trust has its registered office belongs to Sri Aurobindo Ashram Trust. The Udyog trust provides financial support by doing business and the proceeds of the business are donated to SAAT as per the trust deed of the Udyog Trust. From 2018 no money or financial support is provided by Udyog trust to SAAT. The money due to SAAT is misappropriated by A1 in connivance with A2 and A3 and A4 to A8. A1 to A3 are the trustees of Udyog trust. This Udyog trust does not have its own website as on date. SAAT has website– www.sriurobindoashram.org. This website is maintained by A1 and A4 to A8. SAAT is public charitable trust and as per the regulations formulated by the Ministry of Home affiars, The Govt. of India. The trust is required to pubilish its financial statements. When I visited the website on 09.04.2021 I found the accounts statement ending 31.03.2019 under the heading regulatory documents– receipts and payments of accounts. I have down loaded this statement as well as the accounts statements for the year ending 31.03.2021 and 31.03.2022 of SAAT in April 2021 and 01.11.2022. The document No. 9, 10, 11 are the documents which I downloaded from the website and printed out. The documents 13, 14, 15 are clean copy of receipts and payments accounts. The control and dealing of the funds of Udyog trust is in the hands of A1 to A3. A1 also deals with the monies of Sri Aurobindo Ashram Trust (SAAT) along with A4 to A8.

In the three accounts statements referred to the douments 9, 10, 11 and 13, 14, 15 there is no entry specifing payment to Sri Aurobindo Ashram Trust from Udyog trust from 2019 to 2022. As per document No. 4 which is the resolution dated 19.12.1975 the Ashram trust intimated the 14 business of SAAT that those business units will be transferred to Sri Aurobindo Ashram Harpagom workshop trust which subsequently renamed as Sri Aurobindo Udyog trust as per document 7 filed along with the complaint which is the declaration dated 01.10.1995 in trust deed. The trust deed is document No.3. As per the resolution dated 31.12.1975 passed by SAAT, 14 business units referred therein were transferred to Udyog trust from SAAT at the time of transfer it is known as Harpagom trust. Document 5 is the copy of resolution dated 31.12.1975 of SAAT. After one year i.e 31.12.1976 Harpagom trust passed the resolution accepting the transfer of

business from SAAT. Document No. 6 is the copy of the resolution dated 31.12.1976 of the Harpagom trust. Document No. 7 is the declaration of the change of name of Harpagom trust to Udyog trust. When the resolutions mentioned in the documents 4 and 5 the Mother was not alive and SAAT had become defunct and the persons who claimed to be the trustee has no authority to act as trustees of SAAT and were not empowered to pass the resolution to transfer any business or property. As per document No. 5 the 14 business units which were transferred from SAAT to Udyog trust by way of lease and the rents for each business unit is also specified in document No.5. As per the statement of accounts for the year 2019 to 2022 there are no entries indicating arrears of rent from Udyog trust to SAAT. In the statement of accounts in the year 2018 there is indication of rent for about Rs. 2,19,000/- or thereabouts. The indication of rent in the year 2018 is not confined only to the rents from Udyog trust but includes rents on all the properties of SAAT.

From the statement of accounts – Receipts and payments account – For the years ending 31.03.2019, 31.03.2021 and 31.03.2022 of SAAT. A1 to A3 have committed breach of trust of clauses 4(A)(i), 4(B) and 4(C) of the trust deed dated 18.12.1967 of Udyog trust filed as document No. 3. The breach of trust has been committed in the conspiracy with A4 to A8.

a) The Udyog trust had made no contribution to aid, assist in the development and maintenance of SAAT from 2018 to 2022 as is evident from the Receipts and payments accounts of 31.03.2019, 31.03.2021 and 31.03.2022.

b) No business transactions have been indicated between SAAT and the Udyog Trust from 2018 to 2022 as is evident from the Receipts and Payments Account of 31.03.2019, 31.03.2021 and 31.03.2022.

c) No profits or portions thereof from any of the 14 illegally transferred business, which ought to have been received from the Udyog trust by SAAT for the years 2018 to 2022, have been indicated in the receipts and payments account of 31.03.2019, 31.03.2021 and 31.03.2022.

d) Various properties belonging to the Ashram and given on lease to Udyog trust are expected to fetch considerable sums of money as rent. However, in the receipts and payments account of 31.03.2019 of SAAT as a monckery, only a meager amount of Rs. 2,19,210/- has been shown as rents received by SAAT for the year 2018, which sum also includes rents received by SAAT from various other properties given on lease/ rent to several other trusts, publications and individuals.

e) The rents in its entirety from 2019 to 2022, which ought to have been received from the Udyog Trust by SAAT, are not mentioned in the receipts and payments account of 31.03.2019, 31.03.2021 and 31.03.2022 of SAAT. The rents for the years 2018 to 2022 have been misappropriated by accused (1), (4) and (8) herein in conspiracy with accused (2) and (3) herein. The criminal misappropriation amounts to several crores of rupees by accused (1), (4) and (8) herein with the aid and abetment of accused (2) and (3) herein and also amounts to criminal breach of trust since the money belongs to the Ashram, its members and the devotees and disciples of Sri Aurobindo and the Mother.

are the ways in which A1 to A8 have committed cheating, misappropriation of money, criminal breach of trust and conspiracy to commit cheating, criminal misappropriation of money and criminal breach of trust. The following have been 14 items of business transferred by SAAT to Harpagom trust now known as Udyog trust.

1) Sri Aurobindo Ashram Atelier Service station, presently situated at No. 56, H.M. Cassim salai, Pondicherry – 605001.

2) Sri Aurobindo Ashram Autocare, presently situated at No. 34, Rangapillai street, Pondicherry – 605 001.

3) Sri Aurobindo Ashram Building and construction, presently situated at (a) No. 33, Dr. Ambedkar street, Kuruchikuppam, Pondicherry– 605001 ; (b) No. 15, Saint Louis street, (3) No. 5) Perumal koil street, Pondicherry – 605 001.

4) Sri Aurobindo Ashram Cottage Industries, presently situated at No. 3, Rangapillai street, Pondicherry – 605 001.

5) Sri Aurobindo Ashram cottage restaurant, presently situated at No. 15, Captain Marius Xavier street, Pondicherry – 605001.

6) Sri Aurobindo Ashram Hand made paper department, presently situated at No. 50, S.V. Patel salai, Pondicherry –605 001.

7) Honesty society, presently situated at No. 183, Mission street, Pondicherry – 605001.

8) Sri Aurobindo Ashram press, presently situated at No. 38, Goubert Avenue, Pondicherry – 605001.

9) Sri Aurobindo Ashram Art Department, presently situated at No. 4, J.N. street, Pondicherry

10) Sri Aurobindo Ashram Ayurvedic section, presently situated at No. 22, Saint Dumas street, Pondicherry.

11) Sri Aurobindo Ashram Batik work, presently situated at No. 25, Saint louis street, First floor, Pondicherry.

12) Sri Aurobindo Atelier de broderie, presently situated at No. 33, Francois martin street, Pondicherry – 605 001.

13) Sri Aurobindo Ashram New Bindery was situated at the junction of Rangapillai street and Francois Martin street, Pondicherry –605 001.

14) Sri Aurobindo Ashram Weaving Department, presently situated at No. 68, S.V. Patel salai, Pondicherry – 605001.

Item 1 presently known as Sri Aurobindo Udyog service station. Item 3 has been developed in three departments which function independent each others and maintain separate accounts. Item 4 had developed into two departments known as 1) Sri Aurobindo Ashram Cottage Industries doing business in manufacturing and selling Agarbathis, Gift items etc. and 2) Sri Aurobindo Ashram Knitting and weaving business. The Aurobindo Ashram cottage industry is mentioned and reflected

in the website of Sri Aurobindo Ashram trust but claimed to be a unit of Sri Aurobindo Udyog trust. As per document No. 12 which is the printout and which I accessed on 01.11.2022. Item No. 7 is presently known as Departmental stores – Honesty society. A1 to A8 are jointly and individually cheating misappropriating the money and funds of SAAT by common intention and criminal breach of trust for their personal use benefits and gains. I gave a complaint on 07.05.2022 to the Grand Bazaar Police Station. but no action was taken upon my complaint. Then I filed a complaint to S.P. (East) on 19.05.22 and an appeal dated 19.05.2022 despite that the police refuse to initiate any action on my complaint. So I have filed the complaint before this court u/s 409, 420, 403 of IPC r/w 120(B), 109 and 34 of IPC since the accused are liable for criminal prosecution for the offences committed by A1 to A8. I pray this court to take my complaint and issue process to the accused and prosecute that.