

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CrI.M.P.NO. OF 2015

IN

CRIMINAL APPEAL NO. 338 OF 2015

IN THE MATTER OF:

TEESTA ATUL SETALVAD AND ANR.

...PETITIONERS

VERSUS

STATE OF GUJARAT

...RESPONDENT

APPLICATION FOR DIRECTIONS

To,

The Hon'ble Chief Justice of India

And His Lordships Companion Justices of the

Supreme Court of India,

The humble petition of the Petitioners abovenamed:

MOST RESPECTFULLY SHOWETH:

1. That the aforesaid matter is pending before this Hon'ble Court.
2. That on April 21, 2015, on the request of the Respondent State, the Petition was adjourned and the same is now listed on July 7, 2015.
3. That the present application for directions is being filed by the Petitioners seeking directions to the Respondent State to specify the scope of investigation in the light of roving enquiry that is being initiated against the Petitioners by the State which is well beyond the scope of investigation of the present FIR.

4. The Petitioners submit that as of now documents running to more than 20,000 pages have been submitted to the IO in hard copy as well as on DVDs. These are:

(i) IT Returns/Statement of Income/IT orders: Teesta Setalvad for the period AY 07-08 to AY 14-15.

(Pgs 1-23 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(ii) IT Returns/Statement of Income/IT orders: Javed Anand for the period AY 07-08 to AY 14-15.

(Pgs 24-47 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(iii) Reimbursement of expenses incurred through Citibank Card of Teesta Setalvad from all accounts of CJP and Sabrang Trust:

Reimbursements to Teesta Setalvad Citibank card for FY 2011-12.

(Pgs. 48-68 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015): Worksheets for FY 2011-12 (Monthly Citibank statements and supporting monthly bank statements of all 5 accounts and of Teesta Setavad/Javed Anand personal bank statements already submitted with affidavit dated 22.1.2015 under 'D' Colly pgs 1348-1453 of the Gujarat High Court Paper Book).

(iv) Reimbursements to Teesta Setalvad Citibank card for FY 2012-13:

(Pgs. 69-97 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015): Worksheets for FY 2012-13 (indicating which specific expenses were reimbursed by CJP and Sabrang Trust and which were personal expenses paid from personal bank accounts).

- (v) Citibank monthly statements FY 2012-13
(Pgs. 98-130 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

- (vi) Monthly bank statements CJP SB a/c FY 2012-13
(Pgs. 131-152 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

- (vii) Monthly bank statements CJP FCRA a/c FY 2012-13
(Pgs. 153-181 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

- (viii) Monthly bank statements Sabrang Trust SB a/c FY 2012-13
(Pgs. 182-191 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

- (ix) Monthly bank statements Sabrang Trust HRD a/c FY 2012-13
(Pgs. 192-204 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

- (x) Monthly bank statements Sabrang Trust FCRA a/c FY 2012-13
(Pgs. 205-216 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015)

- (xi) Relevant Monthly bank statements Teesta Setalvad SB a/cs (UBI/IDBI) FY 2012-13. *(Pgs. 217-234 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).*

(xii) Reimbursement of expenses incurred through UBI Visa Card of Javed Anand from all accounts of CJP and Sabrang Trust: (The Petitioners state and submit that substantial details regarding credit card re-imburements from the Trusts had already been provided to the IO before this and with this communication, completed details have been provided and acknowledged by the IO on 26.03.2015).

Reimbursements to Javed Anand Visa card for FY 2009-10:

Worksheets for FY 2009-10 (Indicating which specific expenses were reimbursed by CJP and Sabrang Trust and which were personal expenses paid from personal bank accounts).

(Pgs. 235-240 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xiii) Visa card (UBI) monthly statements FY 2009-10:

(Pgs. 241-254 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xiv) Monthly bank statements CJP SB a/c FY 2009-10

(Pgs. 255-280 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xv) Monthly bank statements CJP FCRA a/c FY 2009-10

(Pgs. 255-280 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xvi) Monthly bank statements Sabrang Trust SB a/c FY 2009-10

(Pgs. 281-292 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

- (xvii) Monthly bank statements Sabrang Trust FCRA a/c FY 2009-10
(Pgs. 293-306 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).
- (xviii) Relevant Monthly bank statements Javed Anand SB a/cs (UBI/IDBI)
FY 2009-10
(Pgs. 307-313 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).
- (xix) Reimbursements to Javed Anand Visa card for FY 2010-11:
Worksheets for FY 2009-10 (Indicating which specific expenses were reimbursed by CJP and Sabrang Trust and which were personal expenses paid from personal bank accounts).
(Pgs. 314-319 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).
- (xx) Visa card (UBI) monthly statements FY 2010-11
(Pgs. 320-330 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).
- (xxi) Monthly bank statements CJP SB a/c FY 2010-11
(Pgs. 331-349 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).
- (xxii) Monthly bank statements CJP FCRA a/c FY 2010-11
(Pgs. 350-374 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).
- (xxiii) Monthly bank statements Sabrang Trust SB a/c FY 2010-11

(Pgs. 375-386 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xxiv) Monthly bank statements Sabrang Trust HRD a/c FY 2010-11

(Pgs. 387-388 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xxv) Monthly bank statements Sabrang Trust FCRA a/c FY 2010-11

(Pgs. 389-400 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xxvi) Relevant Monthly bank statements Javed Anand SB a/cs (UBI/IDBI) FY 2010-11

(Pgs. 401-402 of documents hand delivered to IO, ACP K. N. Patel on 5.2.2015).

(xxvii) Cash withdrawals from all accounts of CJP and Sabrang Trust during the relevant period alongwith cash vouchers on DVD and Cash Books for the years FY 2007-2008 to FY 2012-2013 for all 5 accounts of Sabrang Trust and CJP.

Soft copies of following documents were provided in a DVD, hand-delivered to the Crime Branch on February 5, alongwith the abovementioned covering letter dated 4.02.2015 :

CASH BOOK

YEAR

1) CITIZENS FOR JUSTICE AND PEACE	2007-2008
Cash Book and scanned Vouchers	2008-2009
	2009-2010
	2010-2011
	2011-2012
	2012-2013
2) CITIZENS FOR JUSTICE AND PEACE (FCRA)	

Cash Book and scanned Vouchers
2009-2010
2010-2011
2011-2012
2012-2013 (No Cash Withdrawal)

3) SABRANG TRUST

Cash Book and scanned Vouchers
2007-2008
2008-2009
2009-2010
2010-2011
2011-2012
2012-2013

4) SABRANG TRUST (FCRA)

Cash Book and scanned Vouchers
2009-2010
2010-2011
2011-2012
2012-2013

5) SABRANG TRUST (HRD)

Cash Book and scanned Vouchers
2010-2011
2011-2012
2012-2013

5. Following the Interim protection granted by this Hon'ble Court on 19.2.2015, the Respondent submitted a list of documents that were expected from the Petitioners to this Hon'ble Court. The same list was later handed over to the Petitioner following their request made through their counsel before this Hon'ble Court. Within 48 hours of receipt of the list, the Investigating officer, forwarded the same to the Petitioners and demanded that the documents as per the list be furnished to him.
6. The Petitioners say that in response to the abovementioned list, following are the details of documents furnished by them to the IO:

Letter dated March 25, 2015 (Hand Delivered to the Crime Branch on March 26, 2015)

These contained (Hard Copy) :-

- (i) Copies of all credit card bills held & used by Javed Anand from April, 2008 to December, 2014

- (ii) Statement of payments made towards these credit card bills from the personal accounts of Javed Anand with supporting vouchers/document.
- (iii) Statement disclosing which items in the bills of the said credit cards pertain to the personal expenditure of Javed Anand & which items of expenditure have been made in connection with the objects of the trust.
- (iv) Vouchers/ invoices in respect of the items of expenditure in said credit cards bills which have been claimed to have been incurred in connection with the object of the trust.
- (v) All bank account details of Sabrang Trust and CJP from April 2007 onwards. Please note that both trusts only have savings accounts and no current accounts.

A DVD with the following documents was made available:-

- i) Scanned Copies of All Original Vouchers accounting for / in support of every cash withdrawal made by CJP and
- ii) All original vouchers / invoices accounting for / in support of every cash withdrawal made from Sabrang Trust.

The Documents that were submitted with this letter essentially contained the following:-

- (i) All details pertaining to UBI VISA Card of Javed Anand

(Volume II, Page Nos 513-990)

- (ii) All Bank Account Details of Sabrang' Trust and CJP, 2007 onwards till January 21, 2014.

(Volume I, Page NOs 1- 426)

- (iii) Audited Financials (Balance sheet, Income & Expenditure, Schedules) of Sabrang Trust and CJP from April 2008-March 2013

(Volume I, Pages Nos 427-512)

Letter dated April 1, 2015 (Hand Delivered to the Crime Branch on April 2, 2015)

- 1) Minutes Dated June 9, 2008
- 2) Minutes Dated September 21, 2008
- 3) Minutes Dated December 16, 2008
- 4) Minutes Dated March 9, 2009
- 5) Minutes Dated September 24, 2009
- 6) Minutes Dated November 5, 2009
- 7) Minutes Dated January 24, 2010
- 8) Minutes Dated July 25, 2010
- 9) Minutes Dated September 27, 2010
- 10) Minutes Dated January 25, 2011
- 11) Minutes Dated February 26, 2011
- 12) Minutes Dated May 20, 2011
- 13) Minutes Dated July 8, 2011
- 14) Minutes Dated October 7, 2011
- 15) Minutes Dated December 17, 2011
- 16) Minutes Dated March 7, 2012
- 17) Circular resolution passed by the Trustees of Sabrang Trust, dated 26.3.3012
- 18) Minutes Dated July 15, 2012
- 19) Minutes Dated September 27, 2012
- 20) Minutes Dated December 20, 2012
- 21) Circular resolution passed by the Trustees of Sabrang Trust Dated 23.1.2013
- 22) Minutes Dated April 10, 2013
- 23) Minutes Dated July 12, 2013
- 24) Minutes Dated September 13, 2013
- 25) Minutes Dated November 16, 2013**

Sabrang Trust Minutes from April 1, 2008 :

Soft copies of following documents was also hand-delivered in a DVD on April 2, 2015 alongwith the above-mentioned letter dated April 1, 2015

- (i) **CJP SB A/c: FY 08-09 to FY 12-13:** Cash books/Bank Books/Journal Registers/Ledger Folios/Cost Centre Breakups.

- (ii) **CJP FCRA A/c: FY 08-09 to FY 12-13:** Cash books/Bank Books/Journal Register/Ledger Folios/Cost Centre Breakups.
- (iii) **Sabrang Trust A/c: FY 08-09 to FY 12-13:** Cash books/Bank Books/Journal Register/Ledger Folios/Cost Centre Breakups.
- (iv) **Sabrang Trust (HRD) A/c: FY 08-09 to FY 12-13:** Cash books/Bank Books/Journal Register/Ledger Folios/Cost Centre Breakups.
- (v) **Sabrang Trust (FCRA) A/c: FY 08-09 to FY 12-13:** Cash books/Bank Books/Journal Register/Ledger Folios/Cost Centre Breakups.

Letter dated April 4, 2015 (Hand Delivered to the Crime Branch on April 6, 2015)

Petitioners by their letter dated April 4, 2015 (which was hand-delivered to the Crime Branch on April 6, 2015) furnished the following documents:

- (i) Copies of Citibank Credit Card bills held & used by Teesta Setalvad from April 1, 2008 onwards
- (ii) Statement of payments made towards these credit card bills from the personal accounts of Teesta Setalvad with supporting vouchers/document.
- (iii) Statement disclosing which items in the bills of the said credit cards pertain to the personal expenditures of Teesta Setalvad & which items of expenditure have been made in connection with the objects of the trust.
- (iv) Vouchers/ invoices in respect of the items of expenditure in said credit cards bills which have been claimed to have been incurred in connection with the object of the trust.
- (v) True Copies of Board of Trustees Resolutions passed at Meetings of Citizens for Justice and Peace (CJP) CJP from April 1, 2008 that deal with allegations, held on 9.10.2008, 15.09.2009, 31.03.2010, 9.11.2010, 21.12.2010, 31.1.2011, 14.11.2011, 26.03.2012, 24.10.2012, 15.03.2013, 30.05.2013 and 3.12.2013.

7. That the Petitioners submit that in addition to the above, the following documents were already on record before the Hon'ble high Court in Miscellaneous Criminal Application No. 4677 of 2014:

I. Audited Documents:

(i) Separately Annual reports of the audited Accounts and Auditor's Report of both the Trusts filed With the Charity Commissioner, Mumbai, the Income Tax Authorities and the FCRA Authorites (MHA), Government of India for the year ending 31st March 2013.

(Pg Nos. 365-433 of the High Court Record)

(ii) The audited statements for Sabrang Trust for the year 2010-2011

(Pg. Nos. 673-683 of the High Court Record)

(iii) The audited statements of Sabrang Trust submitted to the Charity Commissioner for 2008-2009

(Pg. Nos. 684-697 of the High Court Record)

(iv) Complete set of Audited Accounts of Sabrang Trust for the year ending March 31, 2012.

(Pg. Nos. 698-710 of the High Court Record)

(v) The audited report filed by the CJP with the Charity Commissioner for donations received by the Trust during 2008-2009.

(Pg. Nos. 711-718 of the High Court Record)

(vi) Audited Accounts of Citizens for Justice and Peace for 2010-2011

(Pg. Nos. 719-731 of the High Court Record)

II. Relevant Documents regarding Donations and Grants

(i) A copy of the agreement with Ford Foundation dated May 21, 2009, May 1, 2009, Email dated July 18, 2012 & September 26, 2012.

(Pg. Nos. 434-452 of the High Court Record)

(ii) Document regarding fellowship amount of Rs. 20,000/- to be paid Ashoka Foundation India to Teesta Setalvad for three year period between 2003 and 2006.

(Pg. Nos. 799-804 of the High Court Record)

(iii) Copy of the letter from the Ministry of Home Affairs, Shri Dharma Reddy dated 30th December 2003.

(Pg. No. 805 of the High Court Record)

- (iv) Letter received by Petitioner No 1 for receipts of the Ashoka Fellowship Grant

(Pg. Nos. 888-893 of the High Court Record)

- (v) "Donor Grant" Agreements-

- (a) United Nations Victims for Torture Fund
- (b) Child Relief and You (CRY) Utilisation Certificate (2004-2005)
- (c) CRY Donor Grant Agreement
- (d) Sabrang Resolution on CRY Project
- (e) Nuremberg Donor Email
- (fi) FORD Foundation
- (g) MHRD Budget Proposal Agreement

(Pg. Nos. 1169-1306 of the High Court Record)

III. Other relevant documents that have been Submitted by the Petitioners during Pendency before the Hon'ble Gujarat High Court

- (i) A copy of resolution by Sabrang Trust authorizing reimbursement of shared establishment and staff expenses with Sabrang Communications and Publishing Pvt. Ltd.

(Pg. Nos. 453-455 of the High Court Record)

- (ii) A copy of the Board Resolution dated 8.7.2011 (in which both the Petitioner No 1 and 2 had recused themselves)

(Pg. No. 456 of the High Court Record)

- (iii) Letter of Auditor Haribhakti & Co Audit Report of Citizens for Justice & Peace (CJP) to IO dated 14.4.2014.

(Pg. Nos. 606-613 of the High Court Record)

- (iv) IO query Letter to Auditor Haribkhati & Co dated 27.3.2014

(Pg. Nos. 614-616 of the High Court Record)

- (v) Auditor D M Sathe & Co Audit Report of Sabrang Trust to IO dated 15.4.2014

(Pg. Nos. 617-659 of the High Court Record)

- (vi) IO query letter to Auditor D M Sathe & Co dated 27.3.204

(Pg. Nos. 660-662 of the High Court Record)

- (vii) Communications from the Trustees of Citizens for Justice and Peace (CJP) dated 18.4.2014.

(Pg. Nos. 663-667 of the High Court Record)

- (viii) Communications from the Trustee of Sabrang Trust dated 17.4.2014 with re-audit Reports.

(Pg. Nos. 668-672 of the High Court Record)

- (ix) Statements of expenses incurred and the reimbursements by the two trusts towards shared expenses for the financial years 2010-2011, 2011-2012 and 2012-2013.

(Pg. Nos. 732-743 of the High Court Record)

- (x) Chart, vouchers, boarding passes etc. pertaining to the credit card expenses incurred through the personal Visa credit card of, Javed Anand for the financial year 2008-09 to demonstrate that the personal expenses of Javed Anand and or Teesta Setalvad incurred through the Visa card are meticulously indicated separately year

- (xi) after year in the accounts of Javed Anand maintained on Tally software

(Pg. Nos. 1454-1482 of the High Court Record)

- (xii) FCRA Account of the Citizens for Justice and Peace (CJP) submitted to the Ministry of Home Affairs as follows:

2013-2014 submitted on 24.12.2014

2012-2013 submitted on 1.10.2013

2011-2012 submitted on 18.10.2012

2010-2011 submitted on 22.12.2011

2009-2010 submitted on 13.12.2010

2008-2009 submitted on 26.3.2010

2007-2008 submitted on 17.2.2009.

(Pg. Nos. 1501-1531 of the High Court Record)

- (xiii) FCRA Account of the Sabrang Trust submitted to the Ministry of Home Affairs:

2013-2014 submitted on 13.12.2014

2012-2013 submitted on 1.10.2013

2011-2012 submitted on 18.10.2012

2010-2011 submitted on 21.12.2011

2009-2010 submitted on 13.12.2010

2008-2009 submitted on 25.3.2010

2007-2008 submitted on 19.2.2009

(Pg. Nos. 1532-1560 of the High Court Record)

- (xiv) Copies of the monthly bank statements for 2001 and 2002 of Petitioner No 1

(Pg. Nos. 744-770 of the High Court Record)

- (xv) Copies of the monthly bank statements for 2001 and 2002 of Petitioner No 2

(Pg. Nos. 771-798 of the High Court Record)

IV. Various charts filed by the Petitioners before the High Court exhibiting the relevant information:

- (i) Chart of Payments to Teesta Setalvad over the relevant years from CJP and Sabrang Trust (All accounts)

(Pg. Nos. 1140-1141 of the High Court Record)

- (ii) Chart of Reimbursements to Teesta Setalvad for expenses of Sabrang Trust and CJP (All accounts) through her Credit Cards

(Pg. Nos. 1142-1143 of the High Court Record)

- (iii) Chart of Payments to Javed Anand over the relevant years from CJP and Sabrang Trust (All accounts)

(Pg. Nos. 1144-1145 of the High Court Record)

- (iv) Chart of Reimbursements to Javed Anand for expenses of Sabrang Trust and CJP (All accounts) through his Credit Cards

(Pg. Nos. 1146-1147 of the High Court Record)

- (v) Chart of Reimbursement of shared expenses to Sabrang Communications and Publishing Private Ltd. from Sabrang Trust and CJP (All accounts)

(Pg. Nos. 1148-1150 of the High Court Record)

- (vi) Chart of Grants/donations/other receipts in Sabrang Trust SB a/c in UBI No. 369102010037953 and Sabrang Trust HRD a/c in UBI no. 369102010806781
(Pg. No. 1151 of the High Court Record)
- (vii) Chart of Grants received in Sabrang Trust FCRA A/c for different projects; UBI a/c no. 369102010802885
(Pg. No. 1152 of the High Court Record)
- (viii) Chart of Grants/donations/other receipts in CJP SB a/c; IDBI a/c no. 014104000105705
(Pg. No. 1153 of the High Court Record)
- (ix) Chart of Grants/donations receipts into CJP FCRA a/c; IDBI a/c no. 014104000204736
(Pg. No. 1154 of the High Court Record)
- (x) Chart of Summary of Total Funds Received By CJP & Sabrang Trust vis-à-vis Payments
(Pg. No. 1155 of the High Court Record)
- (xi) Chart of Cash withdrawals and payments: CJP Normal SB a/c
(Pg. No. 1156 of the High Court Record)
- (xii) Chart of Cash withdrawals and payments: CJP FCRA SB a/c
(Pg. No. 1157 of the High Court Record)
- (xiii) Chart of Cash withdrawals and payments: Sabrang Trust, SB a/c
(Pg. No. 1158 of the High Court Record)
- (xiv) Chart of Cash withdrawals and payments: Sabrang Trust, HRD a/c
(Pg. No. 1159 of the High Court Record)
- (xv) Chart of Cash withdrawals and payments: Sabrang Trust, FCRA a/c
(Pg. No. 1160 of the High Court Record)
- (xvi) Chart of Summary of cash withdrawals (between Rs. 50,000 and Rs. 5,00,000 payments from CJP normal SB a/c between 2003-04 and 2011-12.

(Pg. Nos. 1161-1166 of the High Court Record)

(xvii) Chart of Note on post-a/cs freezing situation

(Pg. Nos. 1167-1168 of the High Court Record)

(xviii) Details of expenses towards re-imburements by different projects of the two trusts towards shared office expenses and staff salaries (*not including Peitioners*) initially incurred by Sabrang Communications.

(Pg. Nos. 1307-1347 of the High Court Record)

xix) Chart for Teesta Setalvad's monthly credit card statements by Citibank for the financial year 2011-12 along with monthly bank statements of all 5 accounts of the two trusts for the financial year 2011-12 as well as monthly bank statements of the personal savings accounts of both Teesta Setalvad and Javed Anand for the financial year 2011-12.

(Pg. Nos. 1348-1453 of the High Court Record)

(xx) Sample Excel Sheet with detailed narration of cash withdrawals from the Accounts of Sabrang Trust (FCRA Account) for the Accounting Year 2009-2010.

(Pg. Nos. 1483-1500 of the High Court Record)

8. The Petitioners say that in addition to the above, when they appeared before the Police on December 15-16, 2014, on the direction of the Hon'ble High Court, they submitted more documents. These are detailed hereunder.

- On the Query on Rs 5 lakh withdrawal in one day relating to the 2005 flash flood in Mumbai, since a large sum of Rs 5 lakhs had to be withdrawn for purchase of emergency relief material, the Secretary of Citizens for Justice and Peace, i.e. Petitioner No 1, Teesta Setalvad, sought the approval of the Board Members for Rs Five Lakhs Expenses on Emergency purchases of Relief Materials at one time.

The record of the Board of Trustee's Sanction along with expense vouchers was produced by Petitioner No. 1. **(Self Attested Pages Nos 1- 49 SUBMITTED)**

- Office copy of the applications of the year 2007 made by the Sabrang Trust and CJP to the Ministry of Home Affairs, MHA, New Delhi for FCRA Registration of both Trusts were made available **(Self Attested Page Nos 1- 8)**.
- Copies of Communalism Combat were handed over to the IO in person when Petitioners appeared before him in December 2014.
- IT returns filed by CJP and Sabrang Trust were produced **(Self Attested page Nos 1-23)** with the written response of the Petitioners made to the Police, dated December 15-16 2014.
- The Memorandum and Articles of Association with the Objects of the CJP were annexed therein, as **Appendix B (Self Attested Pages Nos 1-13)**. The Memorandum and articles of association of Sabrang Trust had been made available earlier (*Running Pages Nos 626-631, annexed to affidavit dated 18.6.2014, CRMA 4677/2014, Gujarat High Court record*)

9. **Second Appearance before the Police and Submission of Documents**

(January 5-6.2015): With a written communication, the Petitioners submitted as Exhibit II Colly, , the following documents:

- A Self-Attested Copy of Details of all Institutional Donors to both Trusts in their FCRA Accounts, i.e. Citizens for Justice and Peace (CJP) and Sabrang for the relevant period for this investigation i.e. from 2007-2008 to 2011-2012.

10. The Petitioners would like to state that even prior to the registration of the FIR on 4.1.2014, the Trustees of Sabrang Trust and Citizens for Justice and Peace (CJP) had fully cooperated when letters were received from the Crime Branch. The first set of letters from DCB Crime Branch which are dated 18.03.2013, 8.05.2013, 08.05.2013 addressed by PI C.B. Gamit, SOG Crime Branch have been replied to with letters dated 13.03.2013, 26.03.2013 and 20.05.2013.

11. That on April 11, 2015, another letter was received from the IO asking for more documents. These are:

- i. The data back up in Tally software readable format for the period 2007 to 2014 related to all the accounts of Sabrang Trust and Citizens for Justice & Peace [CJP] including SB, FCRA, HRD Accounts.
- ii. The data back up in Tally software in readable format for the period 2007 to 2014 related to all personal accounts of Ms. Teesta Setalvad and Mr. Javed Anand.
- iii. Soft Copies of Balance Sheet and Income and Expenditure account of both the Trust namely CJP and Sabrang compiled on EXCEL, not PDF Files.
- iv. Trust Deeds of Both trusts, proposal & project reports to Foundation , STADT NUREMBERG, GERMANY , Ministry of HRD, United Nations Voluntary Fund for Victims of Torture administered by the Office of the United Nations High Commissioner for Human Rights, Geneva. HIVOS (Netherlands) along with progress reports submitted by your Trusts to each of these entities.
- v. Annual reports [Balance Sheet, P&L A/c and schedules along with Auditors and Directors Report] the data back up in Tally software readable format for the period 2007 to 2014 of the Sabrang Communications & Publishing Pvt Ltd for the period 2008 to 2014 with IT Returns.

- vi. Number of Children/ Students, their Attendance Register alongwith names and addresses, Subjects taught, results obtained and name and addresses and contact details of the teachers, project coordinators and other staff remunerated from Khoj Project with their qualification, experience prior employment if any and attendance register related to your Khoj Project. (Year wise from 2008 to 2014)
- vii. You have conducted an Art Auction and collected the proceeds in Sabrang trust. Please give the pamphlets brochures and requests letters requesting for the Paintings circulated by you along with appeals narrating the objective behind the collection. Please give the stock register of the Paintings collected the costs there of; Paintings sold, the value thereof and the Paintings in the stock.
- viii. Similarly you have conducted a music program net proceeds whereof have been credited to CJP books for the year ended March 2009. Please give the supporting documents to support the expenses of Rs 17.84 lacs, the appeal brochures circulated for conducting the concert and the objective beyond the concert as documented by you in the advertisements appeals and request.
- ix. Resolution dated 05/01/2008 in respect of Gulberg Society passed by the members of Sabrang Trust.
- x. Minutes of the meeting wherein the proposal for the ART Auction was allowed/ passed.
- xi. You have collected funds for providing legal and financial assistance to riot victims. Please provide a Certificate from the Chartered Accountant certifying the money expended on specific beneficiaries with names and addresses and contact details of all the beneficiaries.
- xii. Details of Staff employed by Sabrang Communications

(SC) in following format: -

Names	Qualifications	Salary and Other	Shared	Shared
Addresses	and	Emoluments/benefi	with	with

- xiii. Copies of "COMMUNALISM COMBAT" Magazine from December 2007 onwards till December 2014.
 - xiv. Subsequent to the commencement of the investigations you have deleted or rendered inaccessible the 'About US' page and the page related to the Art Auctions from your website. Please furnish certified copies of the data which was uploaded on these pages before deletion.
12. The Petitioners are currently in the process of compiling the documents and have already written to the IO seeking for a reasonable time of 10 days to submit the documents. Thereafter, the Petitioners requested a further 10 days to which the Petitioners received a response asking them to ensure documents are supplied within seven days i.e. by May 8, 2015.
13. That a large part of these documents do not concern the present investigation. The Petitioners are unable to cope with these unreasonable demands as any questions asked by them regarding the scope of investigation or the need of certain documents in that scope, is construed as non-co-operation to be used against them in the proceedings of anticipatory bail. It is submitted that it is clear that the whole process of the investigation is primarily for the purposes of harassment of the Petitioners with no interest in furthering the investigation. For example the IO has asked for the following documents:
- i. The data back up in Tally software in readable format for the period 2007 to 2014 related to all personal accounts of Ms. Teesta Setalvad and Mr. Javed Anand.

- ii. Trust Deeds of Both trusts, proposal & project reports to Foundation, STADT NUREMBERG, GERMANY , Ministry of HRD, United Nations Voluntary Fund for Victims of Torture administered by the Office of the United Nations High Commissioner for Human Rights, Geneva. HIVOS (Netherlands) along with progress reports submitted by your Trusts to each of these entities.
- iii. Number of Children/ Students, their Attendance Register alongwith names and addresses, Subjects taught, results obtained and name and addresses and contact details of the teachers, project coordinators and other staff remunerated from Khoj Project with their qualification, experience prior employment if any and attendance register related to your Khoj Project. (Year wise from 2008 to 2014)
- iv. You have conducted an Art Auction and collected the proceeds in Sabrang trust. Please give the pamphlets brochures and requests letters requesting for the Paintings circulated by you along with appeals narrating the objective behind the collection. Please give the stock register of the Paintings collected the costs there of; Paintings sold, the value thereof and the Paintings in the stock.
- v. Similarly you have conducted a music program net proceeds whereof have been credited to CJP books for the year ended March 2009. Please give the supporting documents to support the expenses of Rs 17.84 lacs, the appeal brochures circulated for conducting the concert and the objective beyond the concert as documented by you in the advertisements appeals and request.

14. That it is submitted that the aforesaid documents illustrate that the investigating agency is seeking documents from the Petitioners which are beyond the scope of the FIR or the allegations made therein. None of the donors have made any

complaints of mis-management of finances and utilisation certificates have been made available to them for the funds utilised.

15. That the documents supplied to the Respondent were always with a covering letter giving an index of documents attached. The correspondence between the Petitioners and Respondent is annexed herewith as follows:

- (i) Letter dated 8.12.2014 sent by the Crime Branch to the Petitioners as **Annexure P-1**
- (ii) Letter dated 15-16.12.2014 sent by the Petitioners to the Crime Branch as **Annexure P-2**
- (iii) Letter dated 25.12.2014 sent by the Crime Branch to the Petitioners as **Annexure P-3**
- (iv) Letter dated 31.12.2014 sent by the Crime Branch to the Petitioners as **Annexure P-4**
- (v) Letter dated 5-6.1.2015 sent by the Petitioners to the Crime Branch as **Annexure P-5**
- (vi) Letter dated 4.2.2015 sent by Petitioners to the Crime Branch as **Annexure P-6**
- (vii) Letter dated 27.2.2015 received by the Petitioners from the Crime Branch as **Annexure P-7**
- (viii) Letter dated 3.3.2015 sent by Petitioners to the Crime Branch as **Annexure P-8**
- (ix) Letter dated 18.3.2015 sent by Petitioners to the Crime Branch as **Annexure P-9**
- (x) Letter dated 24.3.2015 received by the Petitioners from the Crime Branch as **Annexure P-10**
- (xi) Letter dated 25.3.2015 sent by Petitioners to the Crime Branch as **Annexure P-11**

- (xii) Letter dated 26.3.2015 sent by Petitioners to the Crime Branch as **Annexure P-12**
- (xiii) Letter dated 1.4.2015 sent by Petitioners to the Crime Branch as **Annexure P-13**
- (xiv) Another letter dated 1.4.2015 sent by Petitioners to the Crime Branch as **Annexure P-14**
- (xv) Letter dated 4.4.2015 sent by Petitioners to the Crime Branch as **Annexure P-15**
- (xvi) Letter dated 11.4.2015 received by the Petitioners from the Crime Branch as **Annexure P-16**
- (xvii) Letter dated 17.4.2015 sent by Petitioners to the Crime Branch as **Annexure P-17**

16. The Petitioners say and submit that from a perusal of all the accounts, the bifurcation of the monthly credit Card statements supported by relevant bank statements of the trusts, personal bank statements and all corresponding documents, it is evident that the allegations about expenses of a personal nature being reimbursed by the trusts is totally baseless.

17. That the Petitioners submit that the Respondent State is trying its best to prove the allegation of non-co-operation and to this end is making unreasonable demands on the Petitioners. These demands would compel the Petitioners to refuse to part with those documents which the State can label as "non-co-operation". It is submitted that even when the Petitioners ask for time to supply the documents, the IO is writing back to the Petitioners that they are not co-operating. Annexed hereto and marked **Annexure- P-18** is a copy of the letter dated May 1, 2015 received by the Petitioners from the IO wherein he is stating that the Petitioners are not co-operating.

18. That the Petitioners are also concerned with efforts of the State in compelling to furnish the details of individual donors who have supported the cause of the Petitioners. It is submitted that a lot of sympathizers/ persons who felt outrage at atrocities committed during the 2002 communal mass crimes in Gujarat have contributed to the Petitioners after seeing their work in supporting the victims. The Petitioners submit that disclosing their names would perhaps expose them to the systematic targeting by the State as is being done currently in the case of Ford Foundation. In any event, this information is beyond the scope of the present investigation and cannot be sought from the Petitioners.

19. That the application is bona fide and made in the interests of justice.

20. In the facts and circumstances stated hereinabove, it is Most Respectfully prayed that this Hon'ble Court be pleased to:

- a. direct the Respondent State to disclose to this Hon'ble Court the scope of investigation in the present case;
- b. and pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.

AND FOR WHICH ACT OF KINDNESS THE PETITIONERS AS ARE DUTY BOUND SHALL EVER PRAY.

Filed by:

Aparna Bhat

Advocate for Petitioners

New Delhi

Date:

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
Cri.M.P. No. OF 2015
IN
CRIMINAL APPEAL NO. 338 OF 2015**

In the matter of

Teesta Atul Setalvad & Anr.

...Petitioners

Versus

State of Gujarat

...Respondent

APPLICATION FOR DIRECTIONS

PAPER BOOK

FOR DETAILED INDEX: KINDLY SEE INSIDE

ADVOCATE FOR THE PETITIONERS : MS. APARNA BHAT

INDEX

S.No.	DESCRIPTION	PAGES
1.	Application for Directions alongwith Affidavit	
2.	Annexure P-1 Letter dated 8.12.2014 sent by the Crime Branch to the Petitioners regarding their personal appearance before the Crime Branch	
3.	Annexure P-2 Letter dated 15-16.12.2014 sent by the Petitioners to the Crime Branch in response to the letter dated 8.12.2014.	
4.	Annexure P-3 Letter dated 25.12.2014 sent by the Crime Branch to the Petitioners.	
5.	Annexure P-4 Letter dated 31.12.2014 sent by the Crime Branch to the Petitioners	
6.	Annexure P-5 Letter dated 5-6.1.2015 sent by the Petitioners to the Crime Branch.	
7.	Annexure P-6 Letter dated 4.2.2015 sent by Petitioners to the Crime Branch (hand-delivered on 5.2.2015)	
8.	Annexure P-7	

	Letter dated 27.2.2015 received by the Petitioners from the Crime Branch	
9.	Annexure P-8 Letter dated 3.3.2015 sent by Petitioners to the Crime Branch	
10.	Annexure P-9 Letter dated 18.3.2015 sent by Petitioners to the Crime Branch	
11.	Annexure P-10 Letter dated 24.3.2015 received by the Petitioners from the Crime Branch	
12.	Annexure P-11 Letter dated 25.3.2015 sent by Petitioners to the Crime Branch. . (Hand-delivered on 26.3.2014)	
13.	Annexure P-12 Letter dated 26.3.2015 sent by Petitioners to the Crime Branch	
14.	Annexure P-13 Letter dated 1.4.2015 sent by Petitioners to the Crime Branch. (Hand-delivered on 2.4.2015)	
15.	Annexure P-14 Another letter dated 1.4.2015 sent by	

	Petitioners to the Crime Branch (Hand-delivered on 2.4.2015)	
16.	Annexure P-15 Letter dated 4.4.2015 sent by Petitioners to the Crime Branch. (Hand-delivered on 6.4.2015)	
17.	Annexure P-16 Letter dated 11.4.2015 received by the Petitioners from the Crime Branch	
18.	Annexure P-17 Letter dated 17.4.2015 sent by Petitioners to the Crime Branch	
19.	Annexure P-18 Letter dated 1.5.2015 sent by the IO to the Petitioners	