

**BEFORE THE SPECIAL POCSO COURT AND COURT
OF LD. ADDITIONAL SESSIONS JUDGE,
AHMEDABAD (RURAL) AT MIRZAPUR**

PRIVATE CRIMINAL COMPLAINT (M-CASE) NO OF
2020

Girish Turlapati S/o T. Visweswara Rao
Male; Aged: 49 Years;
Occupation: Business and Social Service;
Residence: 3, 1st Cross
Shankarpuram, Bangalore, Karnataka
Local Address: Nithyananda Gurukul, Yogini
Sarvajnapeetha, Mehmedabad Road, Hirapur,
Ahmedabad - 382431
(Himself as well as a representative of other 7-
8 parents who are on similar footing)
...Complainant

VERSUS

1. Mr. K. T. Kamariya
In-Charge DySP, Sanand Region,
Sanand, Ahmedabad
2. Mr. R. B. Rana
Police Inspector
Vivekanand Nagar Police Station
Ahmedabad
3. Bhaveshbhai Patel
Chairman,
Child Welfare Committee (CWC)
Mansik Swasth Center,
Ashram Road, Ellisbridge,
Ahmedabad
4. Rajnikant Bhrambhatt
Member,
Child Welfare Committee (CWC)
Mansik Swasth Center,
Ashram Road, Ellisbridge,
Ahmedabad
5. Shardaben Solanki
Member,



- Child Welfare Committee (CWC)
Mansik Swasth Center,
Ashram Road, Ellisbridge,
Ahmedabad
6. Dilipbhai Mer
District Child Security Officer
203, Harikrishna Complex, Opp. Kothaval
Flats, Pritam Nagar, Paldi, Ahmedabad
7. V. A. Prajapti
Legal cum Probation officer,
District Child Security Officer
203, Harikrishna Complex, Opp. Kothaval
Flats, Pritam Nagar, Paldi, Ahmedabad
8. Mrs. Shweta Daniel,
Probational Deputy Police Superintendent
Ahmedabad (Rural), Ahmedabad
9. Riyaz Sarwaiya
Deputy Superintendent of Police (DySP)
Ahmedabad (Rural)
Ahmedabad
10. S.H.Sharda
Deputy Superintendent of Police (DySP)
Ahmedabad (Rural)
Ahmedabad
11. P. R. Jadeja
Police Inspector, SOG Branch,
Ahmedabad (Rural), Ahmedabad
12. P. G. Gajera
Government Labour Officer
Office of The Deputy labour
Commissioner,
Shram Bhavan, Nr. Gun House, Khanpur,
Ahmedabad
13. Mr. Janardhana Ramakrishna Sharma
28, Manathattai, Agra Haram,
Kulithalai, Dist: Karur, Tamil Nadu

Presently At: A-804, Vivan infinity
B/h Savya Skys, S.P.Ring Road, Zundal
Gandhinagar

14. Mrs. Bhuvneshwari Janardhana Sharma
W/o Mr. Janardhana Ramakrishna
Sharma
28, Manathattai, Agra Haram,



Kulithalai, Dist: Karur, Tamil Nadu

Presently At: A-804, Vivan infinity
B/h Savya Skys, S.P.Ring Road, Zundal
Gandhinagar

15. Other Person(s) Who's name and role maybe revealed in the course of investigation/inquiry.
16. The State of Gujarat
Notice to be served through the
Public Prosecutor
Special Pocso Court
Ahmedabad(Rural)
... Opponent/Accused
(No. 1-15 are
accused of the
present complaint
and no. 16 is the
authority which may
register the offence
and may take
appropriate action
under order of this
Hon'ble Court)

Subject: Criminal Complaint for the alleged offence punishable u/s 12 of the Protection of Children from Sexual Offences Act (POCSO ACT, 2012) and section 293, 295(a), 298, and 361 of the Indian Penal Code, and Section 67(A) of the Information Technology Act, 2000 and also for violation of Articles 21, 25, 39(e) and 39(f) of the Constitution of India and Section 24 and 26 of the Protection of Children from Sexual Offences Act (POCSO Act, 2012) and Rule 8



**sub -rule (3) (V) of the Juvenile Justice
(Care and Protection of Children) Model
rules 2016 framed under Juvenile Justice
(Care and Protection of Children) Act, 2015**

**THE COMPLAINANT MOST RESPECTFULLY
SUBMITS THAT:**

1. The complainant is Overseas Citizen of India (OCI) and is entitled to the protection and enforcement of fundamental rights, statutory rights and other established rights and entitled to lodged Criminal Complaint, more particularly when cognizable, non-bailable and serious offence is prima facie established.
2. By way of the present complaint, the complainant herein seeks registration of FIR and Other consequential actions against the erring Police officer / CWC officers and personnel's for their act of violation of law committed during their visit to the Nithyananda Gurukul situated at Hathijan, Ahmedabad on date 15/11/2019 and remained continued for about a week.



3. FACTS AND SUBMISSIONS LEADING TO
FILING OF PRESENT COMPLAINT ARE
AS FOLLOW:

I. Nityanand Gurukul is a Traditional Hindu Gurukul in South India imparting education to children from the age of 7 – 21, the depth of Sanatan Hindu Dharma in terms of all the vedic, scriptures, puja, homas, and various place of connecting with the divine, The 64 ancient art forms such as Music, Dance, Archery and ultimately the signs of manifesting various mystical powers such as mind reading, remote vision, etc. and also the art of living life in eternals bliss and joy irrespective of the situation and power to change the situation. Incidentally all children learnt their western curriculum of mathematics, physics etc. Most of the kinds in Gurukul are measured as genuine and gifted intelligence level, though no filtering is done. The gurukul



system and authentic school like
Nithyananda Gurukul are hope for
the parents to bring up their kids
in an environment where they can
takes them Vedic system of
education along with regular
curriculum. ~~* - my daughter - - -~~

- II. The complainant states and submits
that, the FIR came to be registered
on 17/11/2019 vide Cr No. I
38/2019 before Vivkanandnagar
Police Station of Ahmedabad(Rural)
for the alleged offence punishable
under section 365, 344, 323, 504, etc.
506(2) and 114 of Indian Penal
Code, 1860 and Section 14 of the
Child Labour (Prohibition and
regulation) Act, 1986 at the instance
of one Mr. Janardhan Sharma. In
connection of the said offence two
heads of the Institution namely
Harini Chellapan @ Ma Nithya
Pranapriyananda and Riddhi



RaviKiran @ Ma Nithya
Priyatatvaananda came to be arrested by the police on 20/11/2019 who's bail applications are presently pending with the Hon'ble High Court vide criminal Misc. Application No. 23533 of 2019 and 23534 of 2019 respectively.

III. It is respectfully submitted that, the original complainant Mr. Janardhan Sharma has also filed a Habeas corpus complaint before the Hon'ble High Court vide Special Criminal Application No. 9973 of 2019 which is pending before the Hon'ble High Court.

IV. It is respectfully submitted that, before registration of FIR on 17/11/2019 the complainant Mr. Janardhan Sharma and his wife, along with personnel of Child welfare Committee (herein after mentioned as CWC for brevity) came to



Nithyananda Gurukul on
15/11/2019 and 16/11/2019
without any justifiable reason and
for ulterior motive.

V. It is respectfully submitted that,

before registration of above

mentioned FIR on 17/11/2019, on

15/11/2019 itself at about 2:00

am (intervening night between

15/11/2019 -16/11/2019) the

police personnel(s) along with

certain personnel's of Child

Welfare Committee (CWC) along

with Mr. Janardhan Sharma and

his wife, including officers shown

hererin above as accused no. 1 to

4 came to the Nithyananda

Gurukul without any type of

search warrant or any other

warrants with them, or without

any identification card and without

giving anything in writing they

compelled the management of

Gurukul to open the doors and allow their ingress in the Gurukul and after their arrival in Gurukul they straightway rushed towards the residential rooms of children including female children and started to wake up the children violently. When the administration officer of the Gurukul raised objections against their behavior they told that they want to record statements of the children concerned. The Gurukul administration replied to the same that, they are free to record statements of Children but it should be in proper time and the statements should be recorded in presence of Parents/Guardians of respective children. However, the Police officers and CWC officers and other personnel(s) did not pay any heed to the request made by



the Gurukul Administration and started to work in their own desired manner. The Police Personnel practically cordoned the entire building of the Gurukul. Under the guise of carrying of investigation the children were called in a separate room one by one and they started interrogation of the Children just like interrogation of an accused person.

They started to ask offensive questions and tried to lead the concern child for his/her reply in their own desired manner. Individual child was mentally tortured and traumatized and his/her personal space and privacy was infringed and their mental stature were disturbed.

Later on, complainant came to know that, the permission of such inquiry was accorded by one Jagruti Pandya, the chairperson of CWC, Gujarat.

VI. It is to be submitted that, the questions which were asked to the concerned children were so



offensive and abusive that the children were traumatized and threatened by the same. The story does not rest here, most of the girl children(including minors) were shown some morphed Pornographic videos and photographs and were told that Swami Nithyanand is not a spiritual guru but he is a sex guru and Rapist and he has committed rapes and murder and therefore you should not stay in the institution run by Swami Nithyananda. By certain leading questions and in fearful, traumatized environment created by them they tried to get a statement from concerned children in their desired manner however, as per the information of complainant, none of the children has said anything false despite

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such heavy pressure upon them created by the Police and CWC persons (and other accused person(s)). The more shocking fact is that, the complainant Janardhan Sharma and his wife, Bhuvneshwari Sharma, were also accompanied with the concerned officers and the officers were asking questions to the concerned child under express instructions of the wife of Mr. Janardhan Sharma and she was also allowed to threaten the children or to ask the questions by herself though she was not authorized to do so. One girl was pressurized by wife of Mr. Janardhan Sharma i.e. Mr. Bhuvneshwari Sharma to say that she is having suicidal tendency though the girl was so young that she is not even aware about the word suicide.



VII. It is to be submitted that the Police personnel and the CWC personnel and other accused persons had not only created the mental pressure on the children but the children were also subjected to physical violation and mockery about their physical appearance and they were asked that why they are wearing saffron color clothes, and why they are keeping head tails etc. Not only that but the children were physically manhandled and bribed with chocolates and other eatable items and were emotionally blackmailed with a view to obtain desirable results from their mouth. The children were fed with food which was not permitted to verify by the guardian or the Gurukul management and later on it was stated to them that they were



non- vegetarian food (the children
are pure vegetarian children).

VIII. It is respectfully submitted that,
such behavior on the part of Police
personnel and CWC personnel and
other accused persons remained
continued for the period of about
a week and in the meanwhile on
20/11/2019 even Information
Beaurue (IB) was also joined in
such type of activities under the
guise of investigation.

IX. It is also respectfully submitted
that, using words such as "Rapist"
and "Murderer" against swami
Nithyanand ji were also offending
words and language since not a
single case of murder has ever
been registered against Swami
Nithyanand ji till date and a
solitary case of rape which has
registered against Swami
Nithyananad ji is still pending



before the court of law for adjudication and the trial of the same has been stayed by the High Court of Karnataka and swami Nityanand ji has never been found guilty in any such rape case on the contrary the rape case which has been filed in Indian court by a lady had also filed the similar case before the foreign court and swami nithyanandji got clear acquittal with clean chit by the judgment and order of the foreign court holding that the charges leveled against swami ji were false and frivolous and a huge amount of fine/compensation has been awarded upon the complainant lady by the concerned foreign court, decree of which is being executed by Civil Court of Bangalore. Hence, apparently swami Nithyanand ji can never be



said rapist or murderer. Despite that, the Police authority and CWC officers and other accused(s) have used such words and terminologies in respect of Swami Nithyananad ji that too before minor kids residing in Gurukul, who do not even understand the meaning of rape or murder. The concern persons have also shown pornographic videos to the concerned children with a view to make them prejudiced with swami nithyanand ji, that too without any justifiable reason on their part to do so.

- X. It is respectfully submitted that, morphed video of swami nithyanand was created by some anti-social elements in past with their malafide intension and ulterior motive of extortion of money and such anti-social



elements also tried to circulate the same amongst society, but the same was challenged before the Karnataka High court by way of filing Writ Complaint no. 7767 of 2010 in which the Hon'ble Karnataka High Court has already passed prohibitory stay order on 11/03/2010 restraining the concern respondents from telecasting the obscene scenes' of swami nithyananad ji. Hence, the act and action on the part of Police officers and CWC officers etc. amounts a clear breach and contempt of the order of Hon'ble Karnataka High court.

- XI. It is respectfully submitted that, the question asked by the police and CWC person and other accused(s) to each of the children and the conduct of the concern officers with the children has been



fully explained by the concerned children to respective parents and also to the administration of the Gurukul. The parents and administrators of the Gurukul felt grave shock by hearing from the children that they were subject to cruelty and traumatization and indecent treatment by Police Personnel and CWC Personnel etc that too in the middle of night under the guise of investigation. The parents felt much shocked when they learnt from their respective children that the police and CWC personnel etc. went to the extent of misleading the children by saying that not only swami Nithyanandji and his ashram is bad but your parents are equally bad who are not taking any care of you and left you in such a ashram.



XII. It is respectfully submitted that, such type of conduct and behavior on the part of concern officers of the concern authorities was certainly un-tolerable and therefore the parents and the Gurukul management jointly decided to raise their grievances before higher authorities and before court of law also. The parents of the children forwarded a detailed representation to the various concerned authorities including Human rights commission the Government of Gujarat and also to the U.S consulate general (Since many children are U.S Citizen) on 22/11/2019 via email. A hard print of the said representation dated 22/11/2019 is annexed hereto and marked as "Annexure - A" to this complaint.

XIII. It is respectfully submitted further that, the parents of the children along with the Gurukul management recorded



video graphic statements of each of the concern child who in term described the experience and treatment undergone at the hand of police personnel and CWC personnel etc during their interrogation carried out from 15/11/2019 which remained continued for about a week. A copy of such videography in a pen drives which may be presented at the time of hearing of this complaint. However, written transcript of the same are collectively annexed hereto and marked as "Annexure-B" to this complaint.

XIV. It is respectfully submitted that such type of conduct on the part of Police Authority and CWC Authority amounts a clear violation of the Article 39 (E) and (F) of the Constitution of India whereby it is provided that it should be policy of the state government to see that the tender age children are not abused and they are given appropriate



opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and childhood is protected against exploitation and against moral and material abandonment.

XV. It is also respectfully submitted that such type of behavior and conduct on the part of concerned Officers/ staff of concerned Authorities also amounts a "sexual harassment" of the concerned children as defined and explained in Section 11 of the "Protection of Children from Sexual Offences Act, 2012". The relevant provision of section 11 of the "Protection of Children from Sexual Offences Act, 2012" reproduced herein below:

11. Sexual harassment- A person is said to commit sexual harassment upon a child when such person with sexual intent-



- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body
with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child;
- (ii)
- (iii) shows any object to a child in any form or media for pornographic purposes; or
- (iv).....
- (v).....
- (vi).....

Explanation- Any question which involves "sexual intent" shall be a question of fact.

Thus the act of accused no. 1-7 amounts act of sexual harassment as defined under section 11 of the POCSO Act and thus the same amounts a punishable offence

**under the provision of section 12 of
the POCSO ACT**

XVI. It is to be submitted that, the act and action of the concerned person also amounts an offence punishable under section 67(A) of the Information Technology Act, 2000 (As defined and described under section 66(E) of the IT Act). Section 67(A) of the Information Technology Act, is reproduced herein below for ready reference:

67A. Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form.-Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten



lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

XVII. It is to be submitted that section 24 and section 26 of the "Protection of Children from Sexual Offences Act, 2012" provides the manner and method in which a statement of child can be recorded. Section 24 provides that the statement of a child shall be recorded as far as practicable by a woman Police Officer not below the rank Sub-Inspector. Section 26 provides that the statement of a child shall be recorded in the exact words spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence (It is to be clarified here that despite repeated



request made by the parents and the administrators of the Gurukul, neither parents nor any person from the Gurukul were permitted to be with the child at the time of recording his/her statement and the statement were recorded by calling individual child in a lonely room where number of Officers of the concerned Authorities etc were standing in a traumatic situation).

XVIII. It is to be submitted that, even the provisions of **Rule 8 sub rule (3) (v) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 framed under Juvenile Justice (Care and Protection of Children) Act, 2015** provides that the child can be interview at a child friendly premises which does not give feel of a police station or being under custodial interrogation. The said rule also provides that the parents or guardian may be present during the interview of



a child by the Police. Hence, the action of the officers of concern authority amounts clear breach of Rule 8 (3) (v) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 framed under Juvenile Justice (Care and Protection of Children) Act, 2015.

XIX. It is also respectfully submitted that the conduct and the behavior of the concerned Officers of the concerned Authorities etc. also amounts an offence under section 293 of the Indian Penal Code which is reproduced herein below for ready reference:

293. Sale, etc., of obscene objects

to young person.- Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished



XX. It is also respectfully submitted that the conduct and the behavior of the concerned Officers of the concerned Authorities etc. also amounts breach of Article 25 of the Constitution of India, relevant part of which is reproduced below:

25. Freedom of conscience and free profession, practice and propagation of religion. - (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

(2).....

Explanation I.- The wearing and carrying of Kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II.-



XXI. It is also respectfully submitted that the conduct and the behavior of the concerned Officers of the concerned Authorities etc also amounts offence under section 295 (A) of the Indian Penal Code which is reproduced herein below:

295A. Deliberate and malicious

Acts, intended to outrage religious feelings of any class by insulting its religious beliefs.- Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [citizens of India], [by words, either spoken or written, or by signs or by visible representations or otherwise], insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to [three years], or with fine, or with both.

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XXII. It is also respectfully submitted that the conduct and the behavior of the concerned Officers of the concerned Authorities etc. also amounts offence under section 298 of the Indian Penal Code which is reproduced herein below:

298. Uttering, words, etc., with deliberate intent to wound the religious feelings of any person.-

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places, any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

XXIII. It is respectfully submitted that, the act and action of the concerned officers etc. also amounts an offence



punishable under section 361 of the Indian Penal Code, for Kidnapping a minor, from lawful guardianship without consent and permission of his/her guardian.

XXIV. It is also respectfully submitted that the conduct and the behavior of the concerned Officers of the concerned Authorities etc. also amounts breach of basic human rights as well as right of privacy and therefore the same is clear violation of Article 21 of the Constitution of India.

XXV. It is respectfully submitted that the manner and method in which the officers of the concerned Authorities have acted amounts a clear breach of the procedure prescribed under section 100 of the Code of Criminal Procedure, since no warrant was either obtained or shown to the management of the Gurukul nor search was carried out in presence of two independent panchas



nor in presence of administrators of Gurukul. The occupant of the place or authorized person of Gurukul was not permitted to attend the search and no copy of statement and other papers are provided till date which amounts clear violation of prescribed procedure under section 100 of Code of Criminal Procedure.

XXVI. It is respectfully submitted that before recording statement the children were offered chocolates and certain eatable articles and food which amounts offer of inducement which is strictly prohibited under section 163 of the Code of Criminal Procedure.

XXVII. It is respectfully submitted that after recording the statement of children each and every individual child was compelled to sign the statement and also to sign certain blank papers. As per the provision of section 162 of Code of Criminal Procedure, no



statement made by any person to a police officer in the course of investigation be signed by the person making it. Therefore obtaining signature of the children on the statement and on the blank papers clearly amounts to violation of Section 163 of the Code of Criminal Procedure.

XXVIII. **It is respectfully submitted that, the Rule 8 sub-rule (3)(vi) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 framed under Juvenile Justice (Care and Protection of Children) Act, 2015 provides that, the Child cannot be asked to sign any statement. Therefore, obtaining signature of children by the concern officers amounts a clear breach of Rule 8 sub-rule (3)(vi) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 framed**



under Juvenile Justice (Care and Protection of Children) Act, 2015.

XXIX. It is to be submitted that, the action behavior and conduct of the concerned officers of the concerned authorities etc. resulted into serious adverse effects upon the physical and mental health of the concerned children as well as their respective parents residing in the campus.

Two children went into serious depression and certain parents also suffered serious health issue and they are hospitalized till date for the treatment in this regard, details of which may be provided at the time of hearing of this complaint.

XXX. It is respectfully submitted that the illegality committed by the concerned officers of the concerned Authorities etc. requires a detailed and thorough investigation and inquiry by an independent agency and the FIR is also required to be registered for the cognizable offence committed by them and therefore the parents have already



made detailed representation on 22/11/2019, despite that no FIR has been registered until now and no inquiry or action has been initiated against the erring person and therefore the complainant is construed to approach the Hon'ble Court for appropriate order or direction in accordance with law.

XXXI. It is respectfully submitted that as per the law laid down by the Hon'ble Apex court in Lalita Kumari's case (Lalita Kumari vs State of U.P and others 2014 (2) SCC 1) Police authorities are duty bound to register the FIR when a cognizable offence is disclosed, registration of FIR is mandatory under section 154 of the Code of Criminal Procedure, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. Hon'ble Apex court has further held in the said judgment



that, non-registration of FIR or refusal to register the same would amount contempt of the court and the concerned Police Officer is liable for contempt proceedings accordingly.

4. It is to be submitted that, all the above mentioned facts, circumstances and submissions may kindly be considered as grounds for this complaint and separate grounds are not mentioned herein for brevity.
5. One of the parents has also filed complaint before the Hon'ble High Court being Special Criminal Application no. 10056 of 2019 for transfer of investigation which is pending before the Hon'ble High Court for adjudication.
6. It is to be submitted that, some parents had also filed Habeas Corpus writ complaint being Special Criminal Application No. 10157 of 2019 to 10160 of 2019 with the grievances that Police authorities are not even permitting them to meet their respective child, the said writ complaints came to be disposed of vide order dated 28/11/2019 since the same were withdrawn as



the grievances of parents were resolved. A copy of the order maybe presented at the time of hearing of this complaint.

7. It is to be submitted that, the present complainant himself is one of the parent whose child had undergone such a traumatic, undesirable and illegal treatment at the hands of accused no. 1-7 person(s) and therefore complainant is filing the present complaint.
8. It is respectfully submitted that, many other similarly situated parents have also filed their respective affidavits in support of the present complaint of the present complainant. Affidavit of Ms. Chirantana Sriram, Dr. R. Santhanalaxmi, Mr. Dr. Anilkumar B.S and Mrs. Ma Nithya Omakrini are annexed hereto and marked as "Annexure-C" to this complaint.
9. It is to be submitted that, before filing the present complaint before this Hon'ble court, the complainant chose to approach the Hon'ble High Court of Gujarat by way of filing ac Criminal Writ Petition being Special Criminal Application no. 26/2020, however, in the said writ petition



Hon'ble High Court has taken view that, the complainant is having alternate remedy to approach the concern authorities and/or the Ld. Magistrate, under section 36, 154 , 156(3) and 200 or any other provisions of the Code of Criminal Procedure, 1973 for the relief sought in the writ petition. The Hon'ble High Court of Gujarat therefore reserved the liberty of the complainant to approach the Competent authority/court if he so desires. A copy of the order of Hon'ble Gujarat High Court dated 07/01/2020 passed in Special Criminal Application no. 26/2020 is annexed hereto and marked as "Annexure-D" to this complaint. Therefore, the complainant is filing present complaint before this Hon'ble Court.

10. It is to be submitted that, the prima facie offence punishable under section 12 of the POCSO Act for sexual harassment (as defined under section 11 of the POCSO act) is made out, which is cognizable and non-bailable offence along with other offences which are described in the complaint.



11. It is to be submitted that, since the Protection of Children from Sexual Offences Act (POCSO Act) is a special act having overriding effect upon all other law for the time being in force, and this Hon'ble Court is a Special Court, constituted and governed by provisions of Protection of Children from Sexual Offences Act (POCSO Act) is having full and complete jurisdiction to entertain the present complaint. The Special court is having jurisdiction of Magisterial Court as well as Sessions Court, so far as POCSO offence is concerned and the other offences which are committed in the same course of transactions are also triable by Special POCSO Court hence, this complaint has been lodged before this Hon'ble Special Court, for appropriate action against erring person(s).

I. Section 33(1) of the POCSO Act, provides about taking cognizance of the of the offences which is reproduced herein below for ready reference :

Section 33. Procedure and powers of Special Court.



(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

II. Section 31 of the POCSO Act, provides that the procedure of the POCSO Court shall be governed by the Code of Criminal Procedure, 1973. Section 31 of the POCSO Act, is reproduced herein below for ready reference:

Section 31. Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court. Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor

III. Section 28(2) and 28(3) of the POCSO ACT, provides that, other offence committed with the offence under the POCSO Act maybe tried by Special

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court of POCSO. Section 28(2) and 28(3) are reproduced herein below for ready reference:

Section 28. Designation of Special Courts.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in subsection (1)], with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974) be charged at the same trial.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000 (21 of 2000) shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.

12. It is respectfully submitted that, Hon'ble High Court of Gujarat, vide order dated 07/01/2020 passed in Special Criminal Application no. 26/2020 has very clearly and categorically reserved liberty of the present complainant to approach the competent authority/Court and therefore the complainant is approaching this Hon'ble Court by way of filing present complaint,



since this Hon'ble Court is a competent court in the facts and circumstances as narrated above.

13. The complainant states and submits that complainant has not filed any other complaint in any other Court of law with respect to the subject matter of this complaint, except to what is stated herein above.
14. The complainant states and submits that complainant has no other equally efficacious, alternative and speedy remedy, save and except to file this complaint before this Hon'ble Court and the reliefs granted by this Hon'ble Court will be complete in its nature.
15. The complainant craves leave to add, amend, alter or delete, rescind any of the aforesaid paragraphs in the interest of justice.
16. The complainant therefore prays that:-
 - (a) YOUR HONOUR BE PLEASED to admit and register this complaint;
 - (b) YOUR HONOUR BE PLEASED to take cognizance of the alleged offence committed



by the concern accused and maybe pleased to issue appropriate process against the accused person or alternatively YOUR HONOUR may passed appropriate order sending the present complaint to the Superintendent of Police for appropriate investigation under the provision of Section 156 (3) of the CRPC or alternatively YOUR HONOUR may be pleased to direct inquiry under the provision of section 202 of CRPC, against the wrongdoer/erring officers of the concerned authorities etc. as described above and BE PLEASED TO DIRECT THE STATE to initiate appropriate investigation/inquiry and action against the responsible persons and to submit action taken report before this Hon'ble Court within a stipulated time which may be prescribed by this Hon'ble Court;

- (c) YOUR HONOUR BE PLEASED to pass any other appropriate or just orders;

A handwritten signature consisting of stylized initials and a surname.

AND FOR THIS ACT OF JUSTICE AND KINDNESS,
THE COMPLAINANT SHALL AS IN DUTY BOUND
FOR EVER PRAY.

PLACE: AHMEDABAD
DATE: -01-2020

(Girish Turlapati)
Complainant

AFFIDAVIT

I, Girish Turlapati, Hindu, Adult, an Overseas Indian Citizen, the complainant herein do hereby solemnly affirm and state that what has been stated hereinabove from Paragraph Nos. 1 to 15 which are statement of facts is understood by me and the same is true and correct to the best of my knowledge and belief and I believe the same to be true and correct. The contents of Paragraph No. 16 contains prayer clause.

Annexures to the complaint are purported to be the true copies of their respective originals.

Solemnly affirmed at _____ on this
_____ day of JANUARY, 2020.



DEPONENT

Identified by me:

Advocate

**BEFORE THE SPECIAL POCSO COURT AND COURT
OF LD. ADDITIONAL SESSIONS JUDGE,
AHMEDABAD(RURAL) AT MIRZAPUR**

PRIVATE CRIMINAL COMPLAINT (M-CASE) NO OF
2020

Girish Turlapati S/o T. Visweswara Rao
... Complainant

Vs

Mr. K. T. Kamaliya and others
... Accused/Opponents

D.E.LIST

Sr. No.	Annexure	Description
1.	A	A hard print of the said representation dated 22/11/2019
2.	B	A copy written transcript of interview recordings
3.	C	Affidavit of Ms. Chirantana Sriram, Dr. R. Santhanalaxmi, Mr. Dr. Anilkumar B.S and Mrs. Ma Nithya Omakrini
4.	D	A copy of the order of Hon'ble Gujarat High Court dated 07/01/2020 passed in Special Criminal Application no. 26/2020