

**IN THE COURT OF MM, PATALIA HOUSE COURTS,
NEW DELHI**

COMPLAINT CASE NO. _____ OF 2013

POLICE STATION_____

IN THE MATTER OF:

R.B Sreekumar

Ret. DGP Gujarat,

House Name – “Sreelekshmiddeepam”

Plot No. 193, Sector 8,

Gandhi Nagar- 382007.

Gujarat.

..... Complainant

1. Narendra Modi
Chief Minister Gujarat,
Sachivalaya, Gandhi Nagar,
Gujarat.
2. Rajnath Singh,
President BJP
11, Ashoka Road,
New Delhi
3. Meenakshi Lekhi,
Spokes Person (BJP),
11, Ashoka Road,
New Delhi
4. Nambi Narayanan,
S/o Late Sankaralingam,
House- Sangeeta,
T.C 36/978, NSS Lane,
Perunthanni,
Thiruvinthapuram- 695008.

.....(Accused Persons)

**COMPLAINT UNDER SECTION 190 OF Cr.P.C FOR AN
OFFENCE UNDER SECTION 500 (PART II), 501 (Part II)
AND SECTION 120-B OF INDIAN PENAL**

MOST RESPECTFULLY SHOWETH:

1. The aforesaid Complainant is the resident of House Name – “Sreelekshmiddeepam” Plot No. 193, Sector 8, Gandhi Nagar - 382007 Gujarat. The Complainant is retired DGP of Police of Gujarat State (2007). It is submitted that in 2002 at the time of Gujarat Riots the complainant was posted in Gujarat as Add. DGP State Intelligence. The complainant has the knowledge that the accused no. 1 is the man behind (planning and execution) of the massacre of 2002 Gujarat Riots and subversion of the Criminal Justice System. To that effect the complainant has filed several affidavits before the competent probing authorities including the Justice Nanavati Commission of Inquiry and the matters are sub-judice till today.
2. That the Accused No. 1 is the Chief Minister of Gujarat State, Accused No.2 is President of BJP, Accuse No. 3 is national spokes person BJP and accused no. 4 is a retired Scientist of Vikram Sarabhai Space Centre (VSSC).
3. That on 25.09.2013 accused no. 1 met accused no. 4 in Kerala and hatched a conspiracy to harm the reputation of the complainant and

to tarnish the Complainant's image in public. The fact about the meeting has been published by several news papers such as Indian Express etc. The detail of conspiracy was to harm the reputation of the complainant by digging out an old closed case of 1994 related to espionage affecting the national interests of country. The details of the said 1994 case are given in the succeeding paragraphs.

4. That thereafter in the said conspiracy the accused no. 2 and 3 was also involved and finally a plan was prepared to harm the reputation of the complainant by organizing a press and media conference (DOCUMENTS ANNEXED). In pursuance of the same the accused no 3 on 7-11-2013, aired a press meet program in Times Now channel and made several statements harming the reputation of the complainant and falsely alleging the complainant. The false allegation towards the complainant was that while the complainant was serving in Central Intelligence Bureau as Dy. Director (DD) in Trivandrum (1992 – 1995), Nambi Narayanan, the accused no. 4, a scientist in Vikram Sarabhai Space Centre (VSSC) was falsely implicated in an espionage case and later CBI investigators had found the accused No. 4 along with others to be innocent. The Court had ordered Kerala Govt. to pay compensation to accused No. 4. The details of the statements are being annexed and the same may also be produced in form of C.D as and when required by this Hon'ble Court.

5. According to accused No. 3 and 4, Complainant had played into the hands of Central Intelligence Agency (CIA) and had also called the complainant as 'Anti-national' and 'Traitor' and thereby harmed the reputation of the complainant irreparably.
6. Further the accused No. 3 made a statement that though CBI had recommended action against the complainant and other IB officials and Kerala police officers, UPA Government (2004-09) favored them and without conducting a proper enquiry, exonerated them of all charges on professional lapses. The accused No. 3 further charged that as a quid-pro-quo of this favor from UPA Govt, the complainant had fabricated evidence against Narendra Modi about his alleged anti-minority atrocities since 2002 riots.
7. These words/statements/version of the accused No. 3 and 4 are direct imputation intending to harm the reputation of the complainant. That the statement of the accused no. 3 and 4 are wrong and based on blatant lies.

THE BRIEF FACTS ARE AS FOLLOWS:

- A. That in 1994, Kerala Police had registered 2 different cases bearing FIR No. 225/1994 (dated 20.10.1994) and FIR No. 246/1994 (dated 14.11.1994) P.S-Vanchiyoar Trivandrum dated under section 14 and of Foreigners Act 1946 and section 3 and 4 of Official Secret Act 1923 read with section 34 of Indian Penal Code. The accused in the said cases were two Maldivian women

namely Mariam Rashida and Fausia Hassan and two scientists of Vikram Sarabhai Space Centre VSSC, namely D. Sashikumaran and Nambi Narayanan for their alleged involvement in the above espionage cases.

B. That on the official request of DGP Kerala, Director – Intelligence Bureau deputed IB officials under the supervision of Joint Director (JD) Subsidiary Intelligence Bureau (SIB) Trivandrum, Mathew John, to assist Kerala Police in the above mentioned cases. This is how a team was formed by Joint Director (JD) Subsidiary Intelligence Bureau (SIB) Trivandrum, Mathew John, to assist Kerala Police, in which the complainant along others was involved in the case as assisting team to Kerala Police.

C. That at the relevant point of time the complainant herein was posted as Deputy Director, Subsidiary Intelligence Bureau, Trivandrum. That thereafter only the complainant, along with Mr. CM Ravindran, who was Deputy Director, Subsidiary Intelligence Bureau Mumbai and six other IB officers were engaged for assisting the Special Investigation Team (SIT) of Kerala Police under DIG Sibi Mathew. From IB Head Quarters Delhi, Mr. M.K. Dhar, Joint Director, was monitoring IB officials assistance being provided to Kerala Police on behalf of Director-IB.

D. That the complainant interrogated D. Sasikumaran, Scientist, Vikram Sarabhai Space Centre (VSSC) and Mariam Rashida, a

female officer in Maldivian Secret Service. It is respectfully submitted that both the above mentioned persons were arrested by Kerala Police in the espionage case. That the complainant submitted interrogation reports to his seniors and Kerala Police. At this stage it is respectfully brought to the notice of this Hon'ble Court that the complainant did not ever interrogate accused No. 4. The said fact about the complainant not interrogating accused no 4 has been accepted by accused no. 4 in his channel T.V interviews dated 08.11.2013 and in its earlier affidavit to the Court of Ist Additional Sub-Court Trivandrum in O.S No. 370/2003 titled S. Nambi Narayanan vs. State of Kerala and others.

E. However in the meantime the above cases were transferred to CBI for further investigation. That thereafter the CBI delinked IB from the process of investigation. Thereafter the CBI reported to the Ministry of Home Affairs and the Government of Kerala against the approach of Kerala police and IB officials in investigation of the espionage case.

F. That thereafter the CBI also proposed departmental action against the 'delinquent nine IB officials' including, three IPS officers namely Mathew John, C. M. Ravindran and the complainant. That the Kerala Government rejected the proposal of CBI for taking departmental action against Kerala Police. However in November 1999, the Union Government, issued charge sheets dated

17.11.1999 for departmental action against the above nine IB officials including the complainant herein. That after receiving the charge-sheet the Petitioner and other gave reply dated 28.08.2000.

G. Thereafter the Government accepted the explanation of IB officials including the complainant and took no action upon the charge sheet meaning thereby closing the file. That no action was taken on the proposal of CBI and consequently all charge sheeted IPS and IB officials including the complainant were promoted to higher ranks. It is also submitted that the Central Government also did not report about the pendency of departmental enquiry to respective State Governments at the time of their promotions. However no formal order as to dropping of the charges was issued. It is also submitted that few officers were awarded medals during the pendency of departmental proceedings.

H It is further brought to the notice of this Hon'ble Court that with the inception of UPA Government in 2004, the explanations of the complainant dated 28.08.2000 were partially accepted and departmental enquiry against the nine officials, including complainant on two charges was restored. Thereafter a regular Enquiry Officer by the name of K. M. Singh was appointed. That after scrupulously following procedure in the Manual of Departmental Proceedings, i.e. issuance of charge-sheet, examination of witnesses from both sides, appreciation of

evidence, the Enquiry Officer, K. M. Singh reported that the charges against all nine officers including the complainant were not proved. Thereupon accepting the report of the Enquiry Officer the Ministry of Home Affairs dropped all the charges by its order dated 24-01-2005. It is submitted before this Hon'ble Court that the Departmental Enquiry conducted by the Enquiry Officer was done by following the due process of law without any lapses and favours. Also the order dated 24.01.2005 became final as it remained unchallenged and the same was within the full knowledge of all the accused and all the concerned State Governments.

8. That now the allegations of the accused persons that UPA Government had given a clean chit to delinquent officers including the complainant without following due process of law is a total false and ill-motivated mischievous propaganda to harm the reputation of the complainant. Further addressing the complainant as 'Anti-national and Traitor' had harmed the reputation of the complainant and is a defamatory statement and has also lowered the image of the complainant.
9. It is respectfully submitted before this Hon'ble Court that the accused persons have committed an offence under section 500 Part II, 501 Part II and section 120-B of Indian Penal Code by making a false statement to harm the reputation of the complainant

and to tarnish complainant's image in public within the jurisdiction of this Hon'ble Court as the press statement/note and T.V interviews was made from 11, Ashoka Road, New Delhi. The said place falls within the jurisdiction of this Hon'ble Court.

PRAYER

It is therefore most humbly prayed to this Hon'ble Court:

- i. That the complaint under section 190 of Code of Criminal Procedures for an offence under section 500 Part II and 501 Part II and Section 120B of Indian Penal Code be entertained and the Accused be, tried and punished in accordance with law;
- ii. That any other or further relief/s as this Hon'ble Court may deem fit be awarded in favour of the Complainant.

FOR THE SAID ACT OF KINDNESS THE COMPLAINANT
SHALL BE DUTY BOUND AND PRAY FOR EVER.

COMPLAINANT

THROUGH

Brijesh Kalappa (Advocate)
& Gopal Singh
D-11, Lajpatnagar-III,
New Delhi-110024

New Delhi
Date: 19.11.2013

**IN THE COURT OF MM, PATALIA HOUSE COURTS,
NEW DELHI
COMPLAINT CASE NO. _____ OF 2013**

IN THE MATTER OF:

R.B Sreekumar

Complainant

Versus

Narendra Modi @ Anr.

Accused

AFFIDAVIT

I, R.B Sreekumar, S/o Late R. Bhaskaraen Nair Age 66, R/o House Name – “Sreelekshmidheepam” Plot No. 193, Sector 8, Gandhi Nagar 382007 Gujarat, presently at New Delhi, do hereby solemnly affirm and swear as hereunder:-

1. That, I am the Complainant in the above mentioned matter and being fully conversant with the facts and circumstances of the case, I am competent to swear this Affidavit.

2. That is say that the contents of the accompanying complaint under section 190 of Cr.PC comprising of page 1 to 9 is true and correct to the best of knowledge and belief and nothing material has been concealed therefrom. The same may be read as part of the present affidavit and the same is not repeated for sake of brevity.

DEPONENT

VERIFICATION

I, the above-named deponent do hereby verify on 19th of November 2013 that the contents of the forgoing Affidavit are true and correct to the best of my knowledge and belief and that no material facts have been concealed therefrom or is false.

DEPONENT

**IN THE COURT OF MM, PATALIA HOUSE COURTS,
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Versus

Narendra Modi @ Anr.

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**APPLICATION U/S 156 (3) OF CRIMINAL PROCEDURE
CODE**

MOST RESPECTFULLY SHOWETH:

1. That the present matter is pending adjudication before this Hon'ble Court. The Present complaint has been filed for an offence under section 500 Part II and 501 Part II and of Indian Penal Code. The contents of the accompanying complaint may be read as the part of the present application and the same is not repeated for the sake of brevity.

2. The matter pertains to defamation of the complainant which needs investigation. The matter needs a detail investigation. The police may be directed to investigate in the matter.

PRAYER

It is therefore most humbly prayed to this Hon'ble Court:

- i. The concerned Police Station may be directed to register First Information Report;
- ii. That any other or further relief/s as this Hon'ble Court may deem fit be awarded in favour of the Complainant.

FOR THE SAID ACT OF KINDNESS THE COMPLAINANT
SHALL BE DUTY BOUND AND PRAY FOR EVER.

COMPLAINANT
THROUGH

Brijesh Kalappa (Advocate)
& Gopal Singh
D-11,Lajpatnagar-III,
New Delhi-110024

New Delhi
Date: 19.11.2013

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AFFIDAVIT

I, R.B Sreekumar, S/o Late R. Bhaskaraen Nair Age 66, R/o House Name – “Sreelekshmidheepam” Plot No. 193, Sector 8, Gandhi Nagar 382007 Gujarat, presently at New Delhi, do hereby solemnly affirm and swear as hereunder:-

1. That, I am the Complainant in the above mentioned matter and being fully conversant with the facts and circumstances of the case, I am competent to swear this Affidavit.

2. That is say that the contents of the accompanying application under section 156 (3) of Cr.PC comprising of page 11to 12 is true and correct to the best of knowledge and belief and nothing material has been concealed therefrom. The same may be read as part of the present affidavit and the same is not repeated for sake of brevity.

DEPONENT

VERIFICATION

I, the above-named deponent do hereby verify on 19th of November 2013 that the contents of the forgoing Affidavit are true and correct to the best of my knowledge and belief and that no material facts have been concealed therefrom or is false.

DEPONENT

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Accused

LIST OF DOCUMENTS ALONG WITH DOCUMENTS:

1. News Paper Report dated 9th November 2013 in the Indian Express.
2. Press Note issued by Accused No. 4 on 12.11.2013
3. Order dated 24.01.2005
4. Other document will be provided as and when required by this Hon'ble Court.

COMPLAINANT

THROUGH

Brijesh Kalappa (Advocate)
& Gopal Singh
D-11,Lajpatnagar-III,
New Delhi-110024

New Delhi

Date: 19.11.2013