

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl. O.P.No. of 2004

Sri Jaynedra Saraswathi SwamigalPetitioner

Vs

State by

Inspector of Police

82, Vishnu Kanchi Police Station

Kanchipuram

.....Respondent

AFFIDAVIT OF N. SUNDARESAN

I, N.Sundaresan, S/o, Natesa Sastrigal, Hindu aged about 67 years, working at Sree Kanchi Kamakoti Peetam, Kanchipuram, now come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am the Manager of Shree Kanchi Kamakoti Peetam since 1994. I was appointed as Manager by the earlier Pontiff Sri Sri Paramacharya. He attained Samadhi soon after I took over. I have continued to work in the same capacity from then and till date. I knew the deceased Sri Sankararaman as an occasional visitor to the Mutt. He came to my particular notice when in the year 2001, 7 years after the Samadhi of Paramacharya, when he filed a Writ Petition challenging the decision of the present Sankaracharya, the Petitioner herein to proceed to China. The Petitioner had been to Manasarovar earlier. The deceased made a very strange argument that Swamiji in visiting China was committed a breach of the ancient traditions of the Mutt. The Petition was dismissed. As far as I remember, in the year 2002, I had started receiving copies of letters addressed to the Petitioner making some frivolous allegations. These copies were sent to many others and were freely circulating amongst the members of the public. As far as I remember, about 12 such letters were received and the last one was received 3 months back. As usual, a copy was sent to me and another copy was sent to Sreekaryam and Agent and the original was addressed to the Petitioner. By this time we had got so used to these letters and nobody used to consider them seriously. The Petitioner had not at any time expressed any resentment or hatred against the deceased. He is a person of abundant compassion and takes no notice of any such attacks. Not one of the letters was replied to.

2. In the usual course the Petitioner had left the Mutt in Kancheepuram for his usual religious performances and duties on 23.09.2004. After visiting some other places he had landed in Mehboob Nagar on the afternoon of 10th November 2004. Between the 3rd of September 2004 and 23rd of September 2004, the Police never visited the Mutt nor did they attempt to contact either the Petitioner or me. For the first time, the Police called me on 29th September at about 9.00 a.m. They kept me in the Police Station for about 3 hours in the morning and another 2 hours in the evening. I gave them whatever information they wanted. No question of

any kind was put to me either about a cell phone or a bank account or withdrawal or anything remotely suggesting the complicity of the Petitioner with the occurrence of murder on 3rd September 2004.

3. The Accountant of the Mutt was called on the next day. I learnt from the said Accountant Mr.R.Vishwanathan that they questioned him about the accounts of the Mutt. They also asked copy of the Bank statement which was supplied to them. No question of any kind was asked about withdrawal from the bank. I do not know whether my statement or the Accountant's statement was recorded. None was read over to him or me.
4. At about 00.45 a.m. on the night between the 11th and the 12th November 2004 I was summoned to the Police Station. 15 or 16 Police Officers came to take me there I was told that the Petitioner was coming to Chennai and I am to arrange for vehicles for him to come to Kanchipuram. I told them that this is not necessary as prior arrangements would have been made if the Petitioner is coming to Chennai. A few minutes later, they told me that I have to come to SP's office as SP would like to see me. I told them that at this odd hour, it is not possible for me to come for seeing the SP. Again, a few minutes later they told me that they will take me to Chennai Airport as the Petitioner is very keen that I should meet him at the Airport. Then, I relented and procured the driver and one Police Officer sat with me in the car. Instead of driving in the direction of Chennai they took me near Superintendent's Office on the pretext that the Superintendent of police wanted to see me before leaving for the Airport. At the Superintendent's Office, they detained me and did not allow me to go to the Airport or Chennai. At that place, I was told that the Petitioner was arrested at Mehboob Nagar and that he is being brought to Chennai Airport. The vehicle and the driver also remained there. They told me that I am also arrested and made entries in a register. I was asked to remove my rings, chain and watch and hand over the same to Sri Viswanathan. To my query, they said that no arrest warrant is necessary in such cases, I was detained and in the morning when they offered me some coffee, I told them that I will not take anything until I have taken bath and said my prayers. They did not allow me to leave. They only allowed me to send for necessary articles from home. They permitted me to ring up my wife who sent whatever I needed for my bath and oblations. I was kept in their office like this without any liberty of movement upto 6 p.m. in the evening. I wish to make clear that about 10.30 a.m. I was shifted from that place to the regular Police station. Through out the night I asked for permission to call lawyer, but they refused permission. During this period accountant Vishwanathan was also detained with me and I asked him to contact Mr. Tyagarajan Advocate, Kanchipuram and Advocate K.P.Ananthakrishna in Chennai. They heard this and not only prevented Viswanathan from making the Telephone calls but also seized my cell phone, for which they neither prepared any document nor gave any receipt. Early morning Viswanathan was released. I am now informed that Mr. Thyagarajan remained present in the Magistrate's court. I had later learnt that persons who were accompanying the Petitioner had got in touch with lawyers in Chennai and requested them to render legal assistance to the petitioner. In consequence of this many lawyers including Senior Advocate T.R.Rajagopalan, S.Balasubramaniam, A Ramesh and G.M.Subramaniam were present at the airport but their efforts at speaking to the Petitioner and taking instructions from him or otherwise helping

him in his defence proved futile. Since I was in custody at 6. a.m. I do not personally know what happened in the Magistrate Court.

In the circumstances, I submit that the arrest of the Petitioner is illegal and pray that the present petition be allowed as prayed for, thus rendering justice.

Solemnly affirmed at Chennai
On this the 16th day of November 2004
And signed his name in my presence.

Before me
Advocate, Chennai.