

File Number: 122 Js 4113/93

Investigation Proceedings
against **Thakar SINGH**
for Manslaughter

Notice

- I. The proceedings preliminarily suspended pursuant to section 205, Code of Criminal Procedure, will be resumed.
- II. The investigation proceedings will be closed pursuant to section 170, paragraph 2, Code of Criminal Procedure.

Reasons:

- I. The extensive investigations conducted in-country, in India, in the United States of America and in Canada have not resulted in clues indicating the crime of manslaughter committed by the accused on Rosemarie M. [REDACTED].
1. The accused Thakar Singh is charged to have killed 44-year-old Rosemarie M. [REDACTED], whose last residence was in Munich, in Calcutta/India, on 21 January 1983.

The death of the deceased Rosemarie M. [REDACTED] was already the subject matter of investigation proceedings against a person or persons unknown, which were conducted in 1984 for negligent manslaughter, among others under the file number 115 UJs 201862/84, also conducted by the public prosecutors of Munich I. The proceedings at that time were closed by court order as of 7 March 1986 pursuant to s. 170, paragraph 2, Code of Criminal Procedure.

2. The complainant L. [REDACTED] Knauer submits in his complain for the present proceedings that witness Bernadine C. [REDACTED] told him on 13 April 1993 that the accused had confessed to her, approximately in April 1983, that he had killed Rosemarie M. [REDACTED]. And, according to witness C. [REDACTED] to the complainant, a young man had told her two years after that event that he had attended the manslaughter of Rosemarie M. [REDACTED] and that he had had to hold her tight while the accused had been standing on her throat in order to kill her. According to the information provided by the complainant, witness Helga Sch. [REDACTED] knows people who were present during the time when Rosemarie M. [REDACTED] died. Furthermore the complainant discloses that he learned from witness Gupta that the latter had learned from another witness, Shri Sadhu Sing from Calcutta, on the occasion of the accused person's birthday party, that the accused had shown the dead body of Rosemarie M. [REDACTED] to the witness and instructed him to remove the dead body and throw it into a river, and that he had carried out the instructions.
 - a.) Witness C. [REDACTED], who was approached by the Consulate General of the Federal Republic of Germany in Seattle in the context of an official request for assistance in a criminal matter, refused to testify as a witness in these proceedings. She did not provide any information on the subject matter.

- b.) Witness Helga Sch█████ was examined by the Consulate General of the Federal Republic of Germany in Montreal on 31 March 1995. She cannot provide any information on the death of Rosemarie M.██████████ from her own knowledge and observation. She stated during her examination that she had not known Ms M██████████. And, that Bernadine C█████ had told her in autumn 1988 that the accused had admitted to her that he had killed Ms M██████████. She said that she had heard about this case from several parties, but she could not remember from which persons. This information cannot be verified, as witness C█████ refuses to provide any information on the facts and circumstances.
- c.) On 27 January 1995 witness Gupta was examined as a witness in the context of an official request submitted to the Indian government authorities for assistance in a criminal matter. During this examination he stated that witness Shri Sadhu Singh had told him in March 1991 that the accused had been with a group of wrestlers in Calcutta in January 1983 and stayed in his house for a short while; Sadhu Sing had said that he had seen Ms M██████████ in the best of health and that he had served her dinner. After a while, according to Sadhu Singh, the accused had called him, shown him the dead body of Ms M██████████ and instructed him to put the corpse into a rubberized bag, to ballast it with stones and to throw it into the River Hoogly in Calcutta. Sadhu Singh had told him that he had carried out the order given by the accused. Furthermore, witness Gupta stated during the examination on 27 January 1995 that, in April 1991, the accused had responded to his question about Ms M██████████'s death that he had killed her in the presence of 4 foreigners in Calcutta in January 1983. The accused had also told him that he had instructed Shri Sadhu Singh to remove the corpse of Ms M██████████.

Witness Gupta is untrustworthy.

He stated during his examination carried out by Indian authorities on 27 January 1995 that the accused had made a confession to him in April 1991. Witness Gupta did not mention the confession to the complainant as can be concluded from the complaint itself and from the analysis of a videotape on the programme “Scene: Sects in the Clutches of the Guru – Brainwashing in the Name of God” dated 18 June 1993. Witness Gupta did not mention this alleged confession of the accused, neither in a letter to the Indian Prime Minister as of 3 August 1993, nor in a letter to the director of CBI New Delhi as of 1 August 1994, nor in a letter to the Minister of the Interior in New Delhi as of 16 August 1993. As Gupta had notice, according to the statements he made during the examination on 27 January 1995, as early as April 1991 of the confession of the accused, it is not understandable why he should have held back in his letters this important piece of evidence and also towards complainant Knauer.

In his letter of 1 August 1994 to the Director of CBI New Delhi witness Gupta further points out against the truth that complainant Knauer had recorded witnesses of the crime in an interview who described how the accused had killed Ms M [REDACTED]. He did not possess the relevant tapes. This does not correspond to the facts. Complainant Knauer certainly did not record witnesses of the crime, as can be seen from his complaint.

As witness Gupta is untrustworthy, his information cannot be followed up.

Furthermore, witness Shri Sadhu Singh, who was examined on 29 November 1995 in the context of the legal assistance given by the Indian authorities, did not confirm the information provided by witness Gupta. He said that he did not know anything about Rosemarie M. ██████████'s death and that he had not been instructed by the accused to secretly remove Ms M. ██████████'s dead body.

- d.) Witness W. ██████████ von Rohr, to whose earlier complaint complainant Knauer refers to, stated during his examination as a witness in proceedings 115 UJs 208162/84 that witness Hannelore J. ██████████ had told him that Ms M. ██████████ had been subjected against her will to a loud "simram singing" for hours and days on the instruction of the accused in order to exorcise the so-called "devils" and "negativity". According to Ms J. ██████████'s report to the witness, Ms M. ██████████ had insulted the accused for his mundane affairs with women during a bus trip from Delhi to Calcutta. According to witness von Rohr's statement Ms J. ██████████ had also declared that the accused had spoken to the deceased M. ██████████ and asked or even required her to die. The accused had grabbed Ms M. ██████████, kept her down and pressed her to her seat. According to witness von Rohr's statement, Alfons E. ██████████ had also confirmed to him the fact of the exorcising practices and the death of Ms M. ██████████.

Neither witness J.■■■■ nor witness E.■■■■ confirmed the statements made by W.■■■■ von Rohr.

Witness Hannelore J.■■■■ stated during her interrogation on 19 March 1985 in proceedings 115 UJs 208162/84 regarding this matter that she was not able to say something about what happened in Ashram because she had not been in close contact with Rosemarie M.■■■■.

Witness E.■■■■ stated in proceedings 115 UJs 208162/84 on 24 July 1984 that the name of M.■■■■ did not mean anything to him; that he could remember a woman called Rosemarie with whom he had exchanged only a few words; that, towards the end of his stay in India, he had heard about Rosemarie's death assuming that she had died a natural death; that he had not heard in India about any rumors pointing to other modes of death; that he only had learned from witness von Rohr that Rosemarie was supposed to have died during an act of exorcism. During his examination in these proceedings on 28 October 1994 witness E.■■■■ said that the name Rosemarie M.■■■■ did not mean anything to him; that he had heard only once that a woman was supposed to have died in India; that he did not know what had happened there.

During his examination as a witness on 28 September 1994 in these proceedings witness W.■■■■ von Rohr could only render some information from hearsay with regard to Rosemarie M.■■■■'s death, stating that he had been told that the accused had stood or sat on the deceased, thus causing her death. However, witness von Rohr could not specify the person who had provided the information. He did not refer again to witness J.■■■.

The examination of other witnesses, whose names had been mentioned by W.■■■■ von Rohr, has not resulted in further clues pointing to a violent death of Rosemarie M.■■■■.

Witness Maria F. [REDACTED] does not know any details about Rosemarie M. [REDACTED] 's death. According to her it was true that she had heard that Ms M. [REDACTED] had died in India, but neither she nor her husband Ernst F. [REDACTED] had been in India at that time.

Witness Hä [REDACTED] said during his examination on 28 October 1994 that he had not known Rosemarie M. [REDACTED] and that it was only through W. [REDACTED] von Rohr that he had learned about her death. And, that he had not been told any circumstances surrounding the death.

Insofar as witness von Rohr stated during his examination he had handed over to the deceased pastor Hack, the religious sects adviser of the Protestant Church, documents in which Rosemarie M. [REDACTED] 's death were commented on, among other things, these documents have been referred to. In one of these reports Ms M. [REDACTED] 's death is mentioned in a short paragraph. Further information beyond that provided by witness von Rohr is not contained in the report.

To sum up the investigations conducted it is to be concluded that no reliable findings can be made to the effect that the accused admitted the killing of the deceased M. [REDACTED] to a third party. And there is no trustworthy witness to confirm that the accused had secretly removed the corpse of Rosemarie M. [REDACTED] .

3. A witness, who observed an act of violence of the accused towards the dead Rosemarie M. [REDACTED], could not be found.

- a.) The accused himself commented on the case by way of providing information in proceedings 115 UJs 201862/84 and through an affidavit of 3 December 1994 which was submitted by witness S. [REDACTED]. He stated that Ms M. [REDACTED] had been on a visit in India; that she had been very ill and that he had been asked to go to her private home because she had been in a bad state; that a doctor had been called; that he had said some reassuring words and that she had died suddenly; that he had never used physical force towards her.
- b.) Witnesses M. [REDACTED], K. [REDACTED] and V. [REDACTED], who were present when Rosemarie M. [REDACTED] died, confirmed in their statements that the deceased had not died as a result of a violent act performed by the accused. All three witnesses stated concurrently in these proceedings and before in proceedings 115 UJs 208162/84 that the accused was not guilty of the death of the deceased. According to them the deceased died a natural death. According to their statements the accused was in her room while she died and talked with her in a friendly way. None of the witnesses observed that the accused had performed an act of violence.

Thus the investigations conducted have not resulted in actual clues pointing to a violent death of the deceased Rosemarie M. [REDACTED].

- II. Insofar as the complainant has filed a complaint against the accused on the grounds of instigated child abuse he contends himself that the competent public prosecutors of Munich II, Traunstein and Bayreuth have instituted investigations. The public prosecutors of Munich I have no jurisdiction.

Munich, 21 July 1997 Wy
Public Prosecutors of Munich I

Götzl
Prosecutor as Head of Team



Certified

[signature illegible]

Kellerer

Court Clerk

[End of Translation]