

IN THE COURT OF THE LEARNED CHIEF METROPLITAN
MAGISTRATE, SAKET DISTRICT COURTS, NEW DELHI

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

DR. R.K. PACHAURI

...APPLICANT/ACCUSED

FIR NO- 52/2015
u/S 354/354-A/
354 (D)/506 I.P.C
P.S:- LODHI COLONY

APPLICATION SEEKING PERMISSION TO TRAVEL ABROAD TO
ATTEND BUSINESS MEETINGS AND TO DELIVER LECTURE ON
CLIMATE CHANGE BY THE APPLICANT.

Respectfully SHOWETH:

1. The Applicant is highly respected man of 74 years and the Applicant is the Director General of The Energy and Resources Institute (hereinafter referred as 'TERI'). The Applicant is well known throughout the globe for his path-breaking work in the area of environmental sciences and climate change. The Applicant was also the Chairman of the Intergovernmental Panel on Climate Change (IPCC) established by World Meteorological Organization & United Nations. Under the stewardship and leadership the IPCC was conferred with Nobel Prize in the year 2007. The contribution of the Applicant was recognized by the Government of India and the Applicant was honoured with Padma Bhushan in the year 2001 and Padma Vibhushan in the year 2008 thus being the only environmental scientist in India to be bestowed with such high civilian honours. The Applicant is a prolific author and has authored 26 books apart from hundreds of selected papers. The Applicant is member of innumerable

international committees, boards, organization and professional bodies including being the Chancellor of the TERI University.

2. That the Applicant has been arraigned as accused in the complaint which has been converted into Case FIR No. 52/2015 u/S. 354/354-A/354(D)/506 I.P.C registered at P.S. Lodhi Colony.
3. That the applicant approached the Hon'ble High Court for grant of anticipatory bail and the Hon'ble High Court vide its order dated 19.02.2015 was pleased to grant interim protection from arrest till 23.02.2015, with liberty to approach the Sessions Court for grant of anticipatory bail.
4. Thereafter the Applicant approached the Hon'ble Sessions Court and the Hon'ble Court after noting the medical condition of the Applicant and keeping in view the order of the Hon'ble High Court, was pleased to extend the interim protection granted to the Applicant till 26.02.2015.
5. That the Hon'ble Sessions Court was pleased to allow the application seeking anticipatory bail of the Applicant vide a comprehensive order dated 21.03.2015. True Copy of the order dated 21.03.2015 is appended hereto as **Annexure A**.
6. That the Hon'ble Sessions Court was pleased to impose the following conditions to the release of the Applicant on anticipatory bail:
 - a. Accused shall join investigation as and when directed by the investigating officer;
 - b. He will not threaten or intimidate the complainant and other witnesses related with the case and will not the prosecution witnesses;
 - c. Accused shall not leave the country without prior permission of the Court till the investigation is over;
 - d. Accused will further not enter in the premises of TERI till the completion of investigation in the case.

7. That the Applicant till date has been meticulously complying with the conditions as stated in the order dated 21.03.2015 and it shall be pertinent to mention here that the I.O./police interrogated the Applicant on several occasions only after they were directed to expedite the investigation while adjudicating the modification application preferred by the Applicant. The Applicant was interrogated by the I.O and other officials. The Applicant has thoroughly cooperated in the investigation to the best of his abilities. For the perusal of this Hon'ble Court a chart enumerating days/details of the interrogation of the Applicant is reproduced hereinafter:

S No.	Date of Interrogation	Duration (in Hours)
1.	24.06.2015	4 ½ Hours i.e. from 2:00 PM to 6:30 PM.
2.	26.06.2015	3 ½ Hours i.e. from 2:00 to 5:30 PM.
3.	28.06.2015	Almost 3 Hours i.e. from 3:00 to 5:45 PM.
4.	12.07.2015	2 ½ Hours i.e. from 11:00 AM till 1:30 PM.

8. It shall be pertinent to mention here that this Hon'ble Court was pleased to permit the Applicant to travel abroad i.e. Hawaii, USA vide its order dated 27.06.2015. The Applicant was permitted to travel from 29.06.2015 till 09.07.2015. The Applicant returned on the night of 08.07.2015 and immediately informed the I.O./SHO about his arrival and availability for the interrogation/investigation. True Copy of the letter dated 09.07.2015 is appended hereto as **Annexure B**.

9. Thereafter the Applicant was interrogated on 12.07.2015 and he cooperated in the interrogation to the best of his abilities. Since then, the Applicant has not been called for interrogation/investigation though he has always been readily

PIS No.	P
28031635	
29101226	
28061551	9
28101949	8
28104279	97
8091855	99
8092657	84
1094114	99
104648	90
911451	99
281536	99
104497	80
92747	95
01790	97
11544	95
12651	99
0791	98
0956	97
1644	74
595	97
297	
1701	
1476	
76	99
54	99
949	
7	80
5	80
24	
76	
8	85

13. It is submitted that all these meetings of the Applicants are part of his occupation to earn his livelihood and the denial of same shall violate the Article 19 (1) (g) of the Constitution of India.
14. It is submitted that the Hon'ble Sessions Court in its order enlarging the Applicant on anticipatory bail has rightly observed that the evidence in the present case is oral, electronic as well as documentary. It is submitted that as far as electronic evidence is concerned the same has already been seized by the I.O. and all the documents are also in custody of the I.O. As far as the oral evidence is concerned the Applicant submits that the statement of the complainant under Section 164 Cr.P.C already stands recorded.
15. Further the order dated 21.03.2015 only directs the Applicant to obtain prior permission from this Hon'ble Court before the travel and it nowhere imposes prohibition on the Applicant to travel abroad. It is submitted that the State shall not be prejudiced in case the prayer of the Applicant is allowed and he is permitted to go abroad.
16. The Applicant undertakes to comply with all the conditions as directed by this Hon'ble Court. The Applicant also undertakes to submit his travel schedule and the Applicant further undertakes to return to India and inform this Hon'ble Court and the I.O.
17. That the applicant has filed no similar application before this Hon'ble Court or before the Hon'ble High Court or before the Hon'ble Supreme Court of India.
18. That the application is made bona fide and in the interest of justice.

6.

PRAYER

In the light of the facts and circumstances enumerated above, it is respectfully prayed that:-

- (a) Pass order permitting the applicant to travel abroad from 21.08.2015 to 01.09.2015 in order to deliver address and to meet various people as enumerated in the present Petition to undertake his occupation in the interest of justice;
- (b) Pass any other order (s) which this Hon'ble Court may deem fit in the facts and circumstances of the present case in the interest of justice.

Rashwan
Applicant

Through

Ashish Dixit
Ashish Dixit
Advocate

Dixit Law Associates

OFFICE:

II Floor, 3, Abul Fazal Road, Bengali
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110001. Tel: 011-23320412
Email: ashish@dixitlaw.in

CHAMBER:

Lawyer's Chamber No. 103,
Delhi High Court,
New Delhi-110003.
Mobile No. +9199999-00412.

available for the same. True Copy of the notice to join investigation is appended hereto as **Annexure C.**

10. The Applicant is world renowned Scientist on Global Climate Change. The International Ecosystem Management Partnership, China is organizing a Strategic Dialogue on S-S COOP on the Climate Change from 22nd August, 2015 till 28th August 2015. The Applicant is scheduled to meet various Scientists of the World and deliver lecture on 'The IPCC Fifth Assessment Report' which was prepared under his Chairmanship. The invitation letter and the agenda/schedule for the Dialogue are appended hereto as **Annexure D 'Colly'**.

11. Thereafter the Applicant is scheduled to attend meeting in Tokyo, Japan with Prof. Katsuya Kodama, Senior Founder UBrain TC and Vice President & Professor MIE University. The Applicant shall be meeting the Professor for discussion on the implementation of the MOU entered between UBrain TV and TERI for promoting and bringing awareness about sustainable development. The meeting is scheduled on 28.08.2015 in the evening. Thereafter on 29.08.2015 the Applicant is scheduled to meet Dr. Wakako Hironaka, Former Minister of Environment, Japan. Mr. Hideyuki Mori, President of the Institute for Global Environmental Strategies (IGES) and Dr. Rabinder. N. Malik, Coordinator, TERI, Japan. The invitation from the Chair of Institute for Global Environmental Strategies (IGES) and chart enumerating the schedule of the meetings is appended hereto as **Annexure- E.**

12. The Applicant shall return to India by the evening flight and shall arrive in India on 30.08.2015. Therefore the applicant s seeking permission to travel from 21.08.2015 till 01.09.2015 as per the programme enumerated in the preceding paragraphs.

No.	PIS N
D	28031
D	291
D	28061
D	28101
D	28104
	28091
	28092
	28094
	281046
	289114
	280815
	281044
	280927
	281017
	910154
	809265
	395079
	10095
	10464
	12259
	10029
	1047
	1004
	0837
	12354
	8194
	751
	1195
	1092
	587
	132



Dr. R.K. Pachauri
 Former Chairman,
 Intergovernmental Panel on Climate Change (IPCC)

Dear Dr. Pachauri

I am following up on our email correspondence during the past few weeks, and would like to formally invite you for a set of professional events and meetings in China during the period August 22 through August 28, 2015 as follows:

Date and time	Event / meeting	Primary Host
22 nd August	Arrival at Beijing	United Nations Environment Programme (UNEP) c/o Institute of Geography and Resources, Chinese Academy of Sciences No. 11A Datun Rd. Beijing 100101, China
23 rd August	Breakfast meeting with Dr. Qin Dahe	Dr. Qin Dahe, Former Administrator CMA and Co-Chair IPCC Working Group I
	Leave for Changsha after breakfast meeting	
23 rd - 26 th August	Meetings in Changsha <ul style="list-style-type: none"> - With Chairman Mr. Zhang Yue and his team on energy efficient and sustainable buildings and possible collaboration with TERI. - With Xian Min Zhang (Daniel Zhang) Dr. Pachauri's PhD student at TERI University (twitter picture of Daniel Zhang with Prime Minister Shri Narendra Modi is attached) 	Mr. Zhang Yue, Chairman, Broad Group, China
26 th August evening	Arrival at Beijing and attend Reception and update about the	United Nations Environment Programme



International Ecosystem Management Partnership
国际生态系统管理伙伴计划



16.

	Dialogue on South South Cooperation	(UNEP)
27 th August	South South Cooperation on Climate Change (SSCCC) Dialogue. Detailed agenda attached.	United Nations Environment Programme (UNEP)
27 th August morning	Meeting with Su Wei Director General Department of Climate Change, NDRC during tea break	National Development and Reform Commission (NDRC) China
27 th August evening	Meeting with Dr. Zheng Guoguang, Administrator of China Meteorological Administration (CMA)	
28 th August	Lecture on "The IPCC Fifth Assessment Report (AR5),"	China Meteorological Administration (CMA) China
28 th night / 29 th	Leave for Delhi	

You may kindly plan out your itinerary based on the above schedule.

We are looking forward to your forthcoming visit to China.

With kind regards,

Yours sincerely,

Jian Liu

Director

International Ecosystem Management Partnership

United Nations Environment Programme

R K Pachauri, Ph.D

Aug.12, 2015

Dear Dr. R.K. Pachauri,

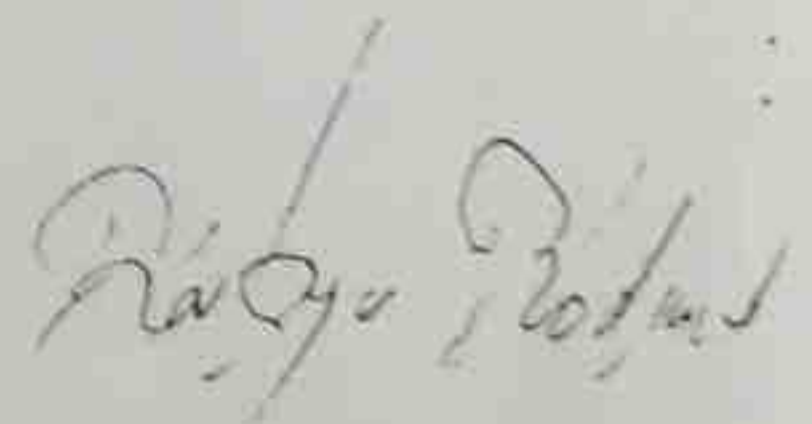
We have the pleasure of advising you that we wish to invite you to Japan to participate in the preparatory meeting of MUNAKATA Eco-100 International Forum 2016. The preparatory meeting of the MUNAKATA Eco-100 International Forum is to be held in Tokyo, Japan on August 29th, 2015. Please accept our invitation.

The meeting shall be held at 701 City Ichigaya 3-38-2 Ichigaya-cho, Shinjuku-ku, Tokyo 162-0843, on 29th, August.

We have reserved Haneda Excel Hotel Tokyu (3-4-2, Hanedakuko, Ota-ku, Tokyo 144-0041 Tel +81-3-5756-6000) on August 28, 2015.

We are looking forward to welcoming you both to Japan.

Yours faithfully,



Katsuya Kodama
Secretary-General,
MUNAKATA Eco-100 International Forum
Executive Committee
Nagoya International Centre Bldg. 24F
1-47-1, Nagono, Nakamura-ku, Nagoya
450-0001 JAPAN





STRATEGIC DIALOGUE ON SOUTH-SOUTH COOPERATION ON CLIMATE CHANGE DRAFT PROVINCIAL AGENDA

Time: Thursday 27 August, 2015 (09:00 - 17:30 hours)

Venue: Room 2421, Institute of Geographic Sciences and International
(IGSNRR), Chinese Academy of Sciences (CAS), Beijing, China

Attendees: Senior officials, experts and representatives from government of
STAP, South Centre, SDC, WFP, INP/UNEP, UN Women, UN
diplomatic corps in China, as well as world renowned scientists in
climate change.

Introduction:

In recent years, SSC has been widely recognized as a key element in addressing
on climate change, an increasingly important component to the global effort
has been widely resonated by Ministers and principals of UN agencies at the
Cooperation on Climate Change Forum held during the 10th South-South
Lima on December 8, 2014.

Whilst the world is highly expecting at COP21 in Paris this year, the challenge
of responding adequately to future climate change, the role and impact of
South-South Cooperation are yet to be defined in the context of global
actions.

The proposed strategic dialogue aims to brainstorm the role and impact
of South-South Cooperation in the implementation of a new global climate
explore new avenues and mechanisms that could enhance South-South
actions.

The Dialogue will include four sessions:

1. The Niche of South-South Cooperation
2. Strategic directions of South-South cooperation
3. Organization of a Forum on South-South Cooperation on Climate Change
4. Development of a Platform for Promoting South-South Cooperation on Climate Change

Dr. Rajendra Pachauri
Former Chairman, IPCC
c/o The Energy and Resources Institute (TERI)

13 August 2015

Dear Dr. Pachauri,

It is my great pleasure to invite you to attend IGES - TERI Meeting as well as related informal meetings on Saturday, 29 August at IGES Tokyo Office.

In the meeting, we would like to discuss further collaboration between IGES and TERI as now we both have TERI Desk in IGES Tokyo Office (Japan) as well as IGES South Asia Desk in TERI (India). We hope to have discussions with you on going projects as well as future visions. Additionally, we would like to discuss further collaboration towards COP21 which will be held in December, 2015 in Paris, France.

Should you have any inquiries or need further information about the meetings, please do not hesitate to contact the IGES PMO Administrator Asako Yokota (Ms.) by e-mailing <yokota@iges.or.jp>.

I look forward to seeing you later this month.

Yours sincerely,



Hironori Hamanaka

Chair of the Board of Directors

IGES

SCHEDULE FOR TRAVEL TO TOKYO, JAPAN

Date and time	Event / meeting
28 th August 2015	Arrival at TOKYO by Flight no. JL 022 which departs from Beijing at 1640 hours and lands at Haneda at 2110 hours
28 th evening	Meeting with Prof. Katsuya Kodama, Senior Founder UBrain TV and Vice President and Professor, Mie University, for discussion on implementation of MOU with TERI. (MOU attached)
29 th August 2015 at 10.00 AM	Meeting with Dr. Wakako Hironaka, Former Minister of Environment, Japan and member of TERI's Governing Council, at Coop Olympia, located very near to Harajuku Station or Meiji Jingumaye Station (sub way, Chiyoda Line)
11.30 AM	Meeting with Mr. Hideyuki Mori, President, Institute for Global Environmental Strategies (IGES)
12.30 PM	<p>Meeting with Dr. Rabinder N. Malik, Coordinator, The Energy and Resources Institute (TERI), Japan</p> <p>Visiting Lecturer, Keio University Executive Officer (Rtd.), United Nations University President, "Discover India Club" (DIC), Japan 4-11-4 Mihama, Urayasu-shi, 279-0011, Japan Tel. 047-352-3900 Cell phone: 090-6157-2206 Email : rmmalik@teri.res.in</p> <p>For discussion regarding ongoing activities.</p>
	Departure by flight no. SQ 633 which takes off from Haneda at 1710 hours and arrives at Singapore at 2305 hours connecting flight no. SQ 402 which departs from Singapore on 30 th of August at 0235 hours and arrives at Delhi at 0535 hours.