

Speed Post

Assistant Registrar(LAW)
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Case No. 5769/30/0/2015

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

* * *

MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 04/02/2017

22 FEB 2017

Case No.:- 5769/30/0/2015

To

✓ COLETTE NICOLE SMITH, MPH
BELLA HEALTH CARE CHARITABLE TRUST, C-3,
NEHRU COLONY, ACROSS FROM FOUNTAIN CHOWK,

DEHRADUN, UTTARAKHAND. - 248001

Sir/Madam,

With reference to your complaint dated 16/09/2015, I am directed to inform you that the above mentioned complaint along with the report received from the concerned authorities were placed before the Commission on 02/02/2017. Upon perusing the same, the Commission has directed as follows :-

The aforesaid cases pertain to alleged violation of human rights or negligence in prevention of such violation, by a public servant.

Pursuant to the directions of the Commission, the concerned authorities have submitted their reports. As per the reports, the allegations could not be substantiated on inquiry.

Let a copy of the report received from the authorities in above cases be transmitted to the complainants under registered post/ speed post for comments, if any, within four weeks. The complainants be also informed that if their comments are not received within the stipulated time, the Commission will be constrained to presume that they have nothing to say against the report and further action, as deemed fit, will be taken based on material available on record.

Pursuant to the above directions, I am enclosing herewith a copy of the report for furnishing your comments, if any, by 31/03/2017 for consideration of the Commission.

Yours faithfully,

✓
ASSISTANT REGISTRAR (LAW)

Encl: As stated above

1 of 1

Government of India
Ministry of Home Affairs
Narcotics Control Bureau
West Block-I, Wing-VII, R.K. Puram
New Delhi-110066.

F.No.NR/ V/19/DZU/174/2015/91

Dated: 25.1.16

To

The Assistant Director (Admn.)
Narcotics Control Bureau
R.K. Puram, New Delhi

Subject: Complaint of Ms. Colette Smith, Dehradun (Uttarakhand) against Officers of NCB, Dehradun Sub-Zone –reg.

Please refer to your letter F.No.II/2(16)/2015-Vig. dated 17.12.15 on the above mentioned subject.

In this connection, this is to inform you that a report was sought by the undersigned from ZD, DZU vide this office letter of even number dated 22.12.15.

Now, ZD, DZU has submitted his report vide his letter F.No.II/30/DSZ/2015/87 dated 15.1.16 stating that the contents of this complaint are exactly the same as one dated 15.9.15 lodged in the past and a detailed report has already been submitted by him vide his letter no. II/30/DSZ/2015-4016 dated 10.11.2015 which was forwarded to you by the undersigned on 27.11.15. ZD, DZU is of the opinion that nothing more or new is there to add to the already submitted reply.

I am forwarding the report of ZD, DZU dated 15.1.16 for further necessary action.

Encl: as above.

(Rajender Pal Singh)
Deputy Director General (NR)

भन्त्रीय निदेशक का कार्यालय
स्वापक नियन्त्रण ब्यूरो
दिल्ली क्षेत्रीय एकक
शिचमी खण्ड-1, विंग-7, आर.के.पुरम
नई दिल्ली-110066
दूरभाष: +91-11-26186283
फैक्स +91-11-26181449
ई-मेल: dzu-ncb@nic.in



DDG, (NR) NCB
Dy No. 2349
Date: 10/11/15

Office of the Zonal Director
Narcotics Control bureau
Delhi Zonal Unit
West Block-1, Wing-7, R.K Puram
New Delhi-110066
Tel. +91-11-26186283
Tel. +91-11-26181449
E-mail : dzu-ncb@nic.in

फ.सं II /30/DSZ/2015-4016

दिनांक: 9 नवम्बर 2015
10

सेवा मे

उप महानिदेशक (उ0क्षे0)
स्वापक नियन्त्रण ब्यूरो
नई दिल्ली।

Sub:- Representation/Complaint of Ms. Colette Nicole Smith -reg.

महोदय,

Kindly refer to your letters no. NR/V/19/DZU/170/2015/383 dated 29.09.2015 and no. NR/V/19/DZU/170/2015/442 dated 20.10.2015 on the above subject.

02. In this regard, comments were sought from the Superintendent, Dehradun Sub Zone and he has furnished the same vide his letter bearing no. IV/NCB/DDUN/Cr. No. 06/2014/1442 dated 04.11.2015, (which is in response to your letter no. NR/V/19/DZU/170/2015/383 dated 29.09.2015), which is enclosed as Annexure-B comprising 02 pages and vide his letter no. IV/NCB/DDUN/Cr. No. 06/2014/1440 dated 04.11.2015, (which is in response to your letter no. NR/V/19/DZU/170/2015/442 dated 20.10.2015), which is enclosed as Annexure-C comprising of 11 pages. The Superintendent, Dehradun has given parawise and a detailed reply to the allegations leveled by the accused, Ms. Colette Nicole Smith. The undersigned fully agrees with the comments of the Superintendent, Dehradun. In addition, I would like to add the following:

i) The accused, Ms. Colette along with her co-accused associates like Dr. Vijay Aggarwal (an NRI, who is on the run), K. Prasad Reddy etc. has been trying to level baseless and false allegations against the NCB, the Jail authorities, the Police and even the Judiciary. I may not be wrong in saying that every now and then, throughout her different complaints, the accused has tried to project herself as a person larger than the system and in fact, at places has tried to subjugate the Indian Authorities on account of her false pride in being an American citizen. The very tone and tenor in her complaint written to the Hon'ble Prime Minister suggests that India would be deprived of the economic sops to be doled out by America if she was not cleared in the case by the NCB. This is nothing but an attempt to browbeat the officers and threaten them into subjugation. I would also like to highlight that the associates of Ms. Colette Smith in crime, like K. Prasad Reddy, Venkat Reddy and Rajesh Salunke have been issuing death

threats to my officers during the J.C proceedings. This extremely serious issue has already been flagged by me before you and the DG, NCB. Ms. Colette Smith and her associates in crime are trying to malign the image and integrity of the NCB officers, the Jail authorities and even the Judiciary. Recently, I had discussed with you in your chamber the contents of the whatsapp conversations obtained from the mobile phone of the recently arrested, K. Prasad Reddy. Herein, there were too many incriminating conversations pointing towards winning over the Executive, the Judiciary and the Public Prosecutor through money and if the money does not work, by issuing death threats. The Superintendent, Dehradun in his reports has given a brief gist on the contents of the whatsapp conversations. It is pertinent to mention that in these whatsapp conversations between K. Prasad Reddy and Dr. Vijay Aggarwal, they are often conversing about the strategies where by Ms. Colette would enact dramas in the Court and behave like a mentally challenged patient and she would level allegations of corruption against the NCB officers. I shall soon be forwarding you the authenticated copies of the whatsapp conversations after obtaining the same from the CFSL, CBI so that an appropriate action against these accused persons can be initiated against the provision of the Prevention of Corruption Act, or any other relevant Act.

03. Besides my above observations, I am also inclined to state that on an earlier occasion also, Ms. Colette Smith has complained before the Hon'ble NDPS Court Dehradun, levelling virtually the same allegations as in her present complaints. Then also, the replies of the concerned IOs were furnished before the Hon'ble Court. I am enclosing herewith as Annexure-A comprising of 06 pages, the complaint of Ms. Colette Smith before the Hon'ble NDPS Judge, Dehradun and the replies thereto of the IOs as sought by the Hon'ble Court. The Annexure-A should be read as a part of my comments since it covers most of the allegations of the present complaints.

04. I would also like to give a few comments complaint wise:-

i) **Compliant dated 21.09.2015 forwarded vide your letter dated 29.09.2015** - In the first para of the complaint itself, she has questioned the Indian Judicial System and tried to caste aspersions on its integrity. I shall only be saying that India has a vibrant and an independent Judiciary which is internationally acknowledged, and the independence of the judiciary needs no certification from an accused whose acts in a heinous crime will be proved before the Judiciary, in due course.

- She has alleged that one IO, Sh. Kamley misbehaved and slapped her at the Delhi Airport. The replies of both the concerned IOs, Ms. Kamlesh Kumari and Sh. C.S.K Singh are already enclosed as a part of Annexure- A. The next morning during office hours, when Ms. Colette insisted on meeting me, I gave her a detailed hearing and summoned IOs, Ms. Kamlesh Kumari and Sh. C.S.K Singh to ascertain any misdemeanour, if at all. Both negated it vehemently. On the contrary, IO, Sh.

(56)

(25)

C.S.K Singh stated that the accused was very arrogant and was misbehaving with the officers. In any case, I called all the concerned staff and IOs to exercise maximum restraint and encourage Ms. Colette Smith to give a 'Voluntary' statement U/s 67 of NDPS Act. Accordingly, she gave a voluntary statement before the officers without any pressure, threat and coercion. It seems that she is now retracting from her 'Voluntary' statement, which is a common practice the accused resort to under legal advice. Therefore, her allegation that the IO and the Zonal Director forced her to give a statement is without any basis. Even otherwise, the statement u/s 67 is recorded by the IO and not by the Zonal Director.

- As regards her specific allegation that the Zonal Director did not arrange a lawyer for me, it is stated that no advocate/lawyer ever approached and came to the NCB office to defend Ms. Colette Smith. No officer ever denied her any legal access at any stage. In any case, the statement U/s 67 of the NDPS Act is a 'Voluntary' statement which does not require an advocate to be present as a pre condition.

Regarding her allegations that she was tortured, ill treated and denied basic comforts, it can only be submitted that the NCB team went out of the way to keep Ms. Colette Smith in comfortable conditions. I was informed by my staff that during the late night, Ms. Colette Smith had insisted on drinking mineral water only and my staff went out of the way to arrange mineral water bottles for her in the dead of night. Even after, reaching Dehradun, on her request, warm water was provided for her for bathing purposes and a cot was especially arranged for her to take some rest.

ii) **Complaint dated 17.08.2015** – The mother of Ms. Colette Smith, in her complaint has called the Indian Judicial System to be corrupt. I would not like to comment of the integrity of the Judiciary but would definitely say that from what has emerged in the whatsapp conversations referred to above, Ms. Colette Smith is very much a part of the plan of K. Prasad Reddy and Dr. Vijay Aggarwal to malign the Indian Judicial System.

iii) **Complaint dated 27.08.2015** – Vide para-2 of the complaint, it has been alleged that the NCB officers collaborated with IPS Chawla to fix her in the case. It has been clarified by the Superintendent, Dehradun that IPS Chawla being the Director of the company was being summoned and he was cooperating in the investigations. He was providing evidence to the NCB officers from time to time and was not on the run, like Ms. Colette Smith and her associates K. Prasad Reddy, Venkat Reddy and Dr. Vijay Aggarwal. In fact, later on, even Mr. IPS Chawla was arrested in the case as evidence against him was also found out.

- **Paras-6 to 15** – Incidents of high handedness at Delhi have been highlighted vide these paras . Most of the issues raised therein, have been covered vide the contents of Annexures- A, B & C to this letter.

- **Paras-13 to 19** – The allegations relating to the assault on Ms. Colette Smith by the IO and she being denied legal access by the ZD have already been discussed above.

iv) **Complaint dated 15.09.2015** – Paras- 2,3 & 12. The same allegations of the ZD ignoring the assault on her by the IO and legal access being not provided to her are raised vide these paras. This has already responded to, as above.

05. In conclusion, it is stated that all the allegations leveled by Ms. Nicole Colette Smith are baseless, whimsical and are not based on facts, altogether. The spate of letters being written by her and her relatives just show her level of desperation to get out of the Jail. She, along with her co-associates like Dr. Vijay Aggarwal, K. Prasad Reddy & Venkat Reddy are trying their level best to win over the executive, the Judiciary, the Jail authorities and even the Public Prosecutor by use of money or through threats. On my recent visit to Nainital, even the High Court Public Prosecutor, Sh. Shobhit Saharia confided in me that he was been inappropriately approached by the accused through their counsels. Upon your telephone directions, Case files from Sh. Ashok Kansal, NCB's Public Prosecutor at Dehradun NDPS Court have already been taken back as sufficient suspicion has been aroused about his conduct based on the whatsapp conversations, as discussed by Superintendent, Dehradun in his note to the comments submitted by him.

Encl: As above.

भवदीय
(रोहित शर्मा)
क्षेत्रीय निदेशक
दिल्ली क्षेत्रीय इकाई।

(ड्रग्स को “ना” जीवन को “हाँ” – ड्रग्स का उपयोग और अवैध व्यापार प्रतिबंधित एवं दंडनीय है।)

Annexure A

RABE RIDGE, NDKS,
2ADUN, UK, INDIA.

COPY TO: ADV. VIVEK GUPTA

② DISTRICT MAGISTRATE: DEHRADUN

③ AMERICAN CITIZEN SERVICES
US EMBASSY

5.

DECLARATION OF MY RIGHTS UNDER INDIAN CONSTITUTION

Respected Sir, I was visited by the AMERICAN CITIZEN of the US Embassy on 29/1/2015. At this time : to my attention numerous, serious, violations rights under the Indian Constitution, that were by the NCB investigators.

I was arrested by NCB Investigators in Delhi they did not inform me of the charges. I was in police custody, NCB did NOT take me to a court within 24 hours, hence detention is considered illegal but the Indian govt. on. I asked the NCB investigators repeatedly reasons of arrest but they refused to inform me. I was in NCB custody, they did NOT allow me to make phone calls. I asked the District and Zonal Director of NCB to have an advocate present and they refused my advocate to be present. He informed me if I pursued an advocate present I would be deemed as OPERATING.

The NCB officer who arrested me assaulted me, he punched me in my leg. He slapped my face and took my laptop from my hands and hit it out of my hands. This happened while my bossy was on the phone. I have filed a case against him and police brutality through the Citizen Services of the US Embassy. After 24 hrs this NCB officer, he asked me, "if I had tortured, and if I was looking forward to it" C. Smith.

Her report
is called for
N.C.S. for next date
for 3/2/15

Union of India
Through Narcotics Control Bureau

Vs

Colette Nicole Smith (Accused in Jail)

Sub: Violation of Rights under Indian Constitution

This is in reference with the complaint made by the accused Colette Nicole Smith on dated 03/02/2015. As ordered by your Honour the written report in this regard is hereby submitted as below:

1. Ms. Colette Smith was not arrested at Delhi Airport; rather she was called under section 67 of the NDPS Act 1985 so it was not required to inform her charges at the Airport. A LOC had been issued against the accused in a case booked by NCB Dehradun and as she was trying to escape India an alert was given by the immigration at the Delhi airport to the Superintendent, NCB Dehradun, who informed the same to his superior i.e. the Zonal Director, NCB Delhi. Following this, NCB officials of Delhi zone including a lady officer went to Delhi airport as directed by the Zonal Director. The accused was called for information duly under section 67 of the NDPS Act 1985 and brought to the NCB Delhi zonal office where her statement was recorded. The accused was duly produced before the Hon'ble Metropolitan Magistrate, Patiala House Court, New Delhi without fail of time at about 21.15 Hrs. on 14/01/2015 to obtain transit remand, and again before the NDPS Spl. Court at Dehradun on 15/01/2015. She was informed the grounds of her arrest which is evident from the Annexure-A. Hence the detention was not at all illegal at any point of time and was within the time limit permitted by the Law.

2. During the period before her arrest at NCB, Delhi Zonal Unit she had been using her mobile phone, laptop. The accused Ms. Colette Smith has also been stating falsely that her advocate was denied to be present with her. However the fact is that no one approached to advocate her before her production at the Hon'ble Spl. NDPS Court, Dehradun and it is not the duty of Narcotics Control Bureau to provide the legal assistance.

3. The accused Colette Nicole Smith also falsely stated that she had been assaulted by any of the NCB Officer. Rather she was accompanied with one lady officer whose averment is hereby submitted as Annexure-B for further clarification.)

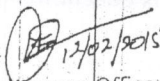
4. The allegations made by the accused Colette Smith that no FIR was been recorded is baseless. Her voluntary statement dated 14/01/2015 is self-explanatory. After she was arrested she was permitted to call her family but she chose to call on other number

as selected by her from her phone which is available in her call log. The information of her arrest was also sent to her embassy hence complying with all the legal provision.

5. After she was arrested at NCB, Delhi Zonal Unit, she was taken to Dehradun Sub Zone on the passing night of 14-15/01/2015 with all the legal documentation done legitimately. While journeying we could not provide her with bed. Despite she was provided food periodically and all the basis amenities. She has been making false allegations that she was forced to listen loud music, singing and dancing. NCB is not a partying place and no loud sound equipment is available at NCB Dehradun.

6. Lastly it is requested before your Honour that arresting her was itself a problem for the department. She has been having problem with being hold by a female NCB official who was ordered to prevent her from fleeing. She has been in perfect mental and physical state as per the periodical medical examination report. She purposely vexed the officials/officers of NCB. She has been abusing Indians without any reason for it. She had committed grave crime against the citizens of India. She has been bullying about the clout of American Government and the approaches she is having. She threatened NCB Officer about ruining his life & Career. She didn't cooperate with the NCB officer when she was sent under the NCB Custody for the first time. She ridiculed about the law of the land and the Indian culture as well.

7. Hence it is prayed before your Honour to kindly reject the application of the accused Colette Smith reminding the accused that leniency on account of nationality is not accepted and permitted in the law of the land.


Intelligence Officer
Narcotics Control Bureau
Dehradun Sub Zone
123B, Rajeshwar Nagar Phase-1
Shastradhara Road Dehradun

Annexure B

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भारत सरकार / GOVERNMENT OF INDIA
स्वापक नियंत्रण ब्यूरो / NARCOTICS CONTROL BUREAU
गृह मंत्रालय / MINISTRY OF HOME AFFAIRS

उप क्षेत्रीय इकाई देहरादून / DEHRADUN SUB ZONAL UNIT

123 B, Rajeshwar Nagar Phase - 1, Sahastradhara Road, Dehradun- 248001

Ph. No/Fax.: 0135-2608873

F No IV/NCB/DDUN/Cr. No. 06/2014/-1442

Date: 04/11/2015

सेवा में,

क्षेत्रीय निदेशक
स्वापक नियंत्रण ब्यूरो
दिल्ली क्षेत्रीय इकाई
नई दिल्ली

विषय : Representation of Ms.Colette Nicole Smith-reg.

माननीय महोदय,

Please refer to DDG(NR) office letter no. NR/V/19/DZU/170/2015/383 dated 29.09.15 addressed to you, wherein I am directed to send my comments with respect to the representation/petition of Ms.Colette Smith received through CPGRAM system of the MHA.

My comments are as under:

Para 1: Colette's claims that she has suffered blatant human and civil rights violations is false, baseless and aimed at maligning the image of NCB. She has nothing to prove her claims and is just making false allegations to attract unnecessary sympathy of the State and to evade criminal proceedings against her. She goes on to blame the Indian Judicial System for rampant corruption and travesty of justice, and makes a request through her letter to 'clear' her name, a request which itself is illegal and a travesty of justice. She is trying to become bigger than the system. NCB has not fabricated any evidence against the accused. All evidence is matter of fact and record, whether her e-mails, bank records, company records or statements given by herself and other accused or persons.

Para2: (Human Rights violations)

- 1) Assault: Refers to incident at Delhi airport and IO Kamley. The undersigned has no comments
- 2) Torture: Refers to incident in Delhi and allegations against ZD. The undersigned has no comments
- 3) Relates to incident in Delhi when the accused was taken for medical examination, and to appear before magistrate. The vehicle used, which she is referring to as unmarked, was the official vehicle, and the residential area which the accused is referring to is the place where the Magistrate's house is. The 'strange' people which she is referring to are

Handwritten signature and date: 05/11/15

all NCB officials, who had all shown their identity to the accused. The accused was never forced to sign any document. Just that it was night time doesn't take away anything from the officer's duty to produce the accused before the Magistrate nor does it lend any leverage to the accused to make any allegations against any officers.

Para 3: The complainant is accusing NCB of harassing her, psychological torture, physical assault and coercion, inadequate investigation and delaying court proceedings. All these allegations are totally false, baseless and aimed at gaining unnecessary sympathy of the State.

***NOTE:**

The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr. Vijay Agarwal for the period 3rd March to 14th August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr. Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr. Vijay Agarwal is absconding and is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the nefarious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr. Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr. Kansal might not have been beyond doubt. The records also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this, the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr. Agarwal and Mr. Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.

Yours faithfully


(Ravi Rana)

Superintendent



Annexure 'C'

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भारत सरकार / GOVERNMENT OF INDIA

स्वापक नियंत्रण ब्यूरो / NARCOTICS CONTROL BUREAU

गृह मंत्रालय / MINISTRY OF HOME AFFAIRS

उप क्षेत्रीय इकाई देहरादून / DEHRADUN SUB ZONAL UNIT

123 B, Rajeshwar Nagar Phase - 1, Sahasradhara Road, Dehradun- 248001

Ph. No/Fax.: 0135-2608873

390
05/11/2015

F. No. IV/NCB/DDUN/Cr. No. 06/2014/-1440.

Date: 04/11/2015

सेवा में,

क्षेत्रीय निदेशक

स्वापक नियंत्रण ब्यूरो

दिल्ली क्षेत्रीय इकाई

नई दिल्ली

विषय: Complaint of Ms.Colette Nicole Smith-reg.

माननीय महोदय,

Please refer to DDG(NR) office letter no. NR/V/19/DZU/170/2015/442 dated 20.10.15 addressed to you, wherein I am directed to send my comments with respect to the three complaints made by Colette Smith against NCB. In this regard, the para-wise explanations of three complaint letters mentioned below are attached alongwith.

Please refer:

1. Letter dated 17 Aug, 2015 addressed to India President Secretariat, Rashtrapati Bhavan by Rosemary A.Nowak,
2. Letter dated 27 Aug, 2015 addressed to President India by Ms.Colette Nicole Smith
3. Letter dated 15 Sep, 2015 (addressed to CBI Residential Complex, Dehradun by Ms.Colette Nicole Smith)

Submitted for your kind perusal please.

End: AIA (5 Pgs)

Yours faithfully

(Ravi Rana)

Superintendent

(H8) (24)

Sub: Reply to complaints made by Ms.Colette Nicole Smith-reg.

Ref. Letter dated 17 Aug, 2015 (addressed to India President Secretariat, Rashtrapati Bhavan by Rosemary A.Nowak)

Para1&2: Relates to IO Kamley, not belonging to NCB Dehradun. The undersigned has no comments.

Para 3&4: The claims are totally false, frivolous and baseless. After she was arrested at NCB, Delhi Zonal Unit, she was taken to Dehradun Sub Zone on the passing night of 14-15/01/2015 with all the legal documentation done legitimately. The official vehicle had not stopped at any random place enroute from Delhi to Dehradun. A female was throughout present in the vehicle. The accused was provided food periodically and all the basic amenities were taken care of. On the contrary, the accused purposely vexed the officials/officers of NCB. She has been abusing Indians without any reason for it. She had committed grave crime against the citizens of India. She has been bullying about the clout of American Government and the approaches she is having. She threatened NCB Officer about ruining his life and career. She didn't cooperate with the NCB officer when she was sent under the NCB Custody for the first time. She ridiculed about the law of the land and the Indian culture as well.

***NOTE:**

The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr.Vijay Agarwal for the period 3rd March to 14th August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr.Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr.Vijay Agarwal is absconding and--is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the nefarious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr.Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr.Kansal might not have been beyond doubt. The records

(H7) (3) (24)

also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this, the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr. Agarwal and Mr. Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.

[Signature]

(Hb) (4)

3.1.10: Reply to complaints made by Ms.Colette Nicole Smith-reg.

Ref. Letter dated 27 Aug, 2015 (addressed to President India by Ms.Colette Nicole Smith)

Para1: The accused has not been subjected to any kind of brutality in NCB Dehradun office. Infact, she was provided with all basic amenities including fooding, and hot water and blanket for her comfort.

Para2 &3: NCB has not fabricated any evidence against the accused. All evidence is matter of fact and record, whether her e-mails, bank records, company records or statements given by herself and other accused or persons. NCB has nothing to do with any financial dispute between her and Mr.IPS Chawla. NCB has not 'collaborated' with Mr.Chawla. Being the Director of Daffohils, Mr.IPS Chawla was asked to provide the company records, manufacturing records, e-mails etc. Regarding Colette's claim that NCB had earlier investigated the matter in 2013 and 'closed' the case, it is purely her imagination as the case was never closed and investigation was going on.

Bullet point 1: The contents of the paragraph are totally false, baseless and evasive. Rigorous efforts were made to trace and contact the accused by the IO, but she was not traceable. When the case IO visited the accused's NGO, the representative from Bella Health Dr. Rozalia George told that the applicant is out of India which was found to be false later. However the case IO requested to pass the message to her to cooperate with the investigation in the case but Colette never came to office. After that summon was issued to her which was returned back with the remarks by the India post that after several visits the address found locked. Later, a LOC was opened against her as per law.

Bullet point 2: The return ticket was booked to hoodwink the authorities that she is not escaping India, as she always knew that she can be apprehended any time.

Bullet point 3: NCB has never told anything to the media. The media is an independent entity and NCB has nothing to do with it. The undersigned would not like to comment on anything printed in the media handpicked by Colette. The claim that the case was 're-opened' does not hold ground as the case was never closed in the first place. Also, by iterating again and again that she was tortured and assaulted, the accused is trying to gain sympathy and malign the system.

(145) (5) (2)

Bullet Points 4&5: Relates to the investigation. Systematic investigation was done and statements of all firms and people concerned were taken, before arriving on any decision.

Bullet Points 6 to 15: Relates to the incidents that happened at Delhi airport, arrest of the accused and her presence in Delhi Zonal Unit. The undersigned only has to say that as she was trying to escape India an alert was given by the immigration at the Delhi airport to the Superintendent, NCB Dehradun, who informed the same to his superior i.e. the Zonal Director, NCB Delhi. Following this, NCB officials of Delhi zone including a lady officer went to Delhi airport as directed by the Zonal Director. The accused was called for information duly under section 67 of the NDPS Act 1985 and brought to the NCB Delhi zonal office where her statement was recorded. The accused was duly produced before the Hon'ble Metropolitan Magistrate, Patiala House Court, New Delhi without fail of time at about 21.15 Hrs. on 14/01/2015 to obtain transit remand. For all the time at Delhi Zonal Unit on 14/01/2015, no one abused her either verbally, physically or mentally and throughout a lady official was also present with her. She was given all due respect and all possible arrangements were made for her comfort. Besides the Officers who were present with her have certified that her respect & comfort was taken care of. The allegations have been made to attract unnecessary sympathy from the authorities.

Bullet Point 16-18: The accused is again iterating that she was tortured and assaulted, to gain sympathy. It has been stated earlier that after she was arrested at NCB, Delhi Zonal Unit, she was taken to Dehradun Sub Zone on the passing night of 14-15/01/2015 with all the legal documentation done legitimately. She was provided food periodically and all the basis amenities. On her request, she was provided lodging in NCB Dehradun office, blanket and hot water to bathe. She has been making false allegations that she was forced to listen loud music, singing and dancing. NCB is not a partying place and no loud sound equipment is available at NCB, Dehradun. She was never forcibly made to sign any document. She was in perfect mental and physical state as per the medical examination report.

Bullet Point No.19: Relates to ZD, Delhi.

Bullet Point No.20: The accused was duly informed of her grounds of arrest by the IO.

(H4)
(6)
(23)

Bullet Point No.21 to 23: Relates to incident in Delhi when the accused was taken for medical examination, and to appear before magistrate. The vehicle used was the official vehicle, and NCB officers do not have any uniform. The residential area which the accused is referring to is the place where the Magistrate's house is. The 'strange' people which she is referring to are all NCB officials, who had all shown their identity to the accused. The accused was never forced to sign any document.

Bullet Point No. 24: The accused is lying and contradicting herself by saying that grounds of arrest were not explained to her, because she has herself received a copy of the Arrest Memo which states that she was duly informed of her grounds of her arrest, and she has also stated in her handwriting and signed that she was duly informed of her grounds of her arrest.

Bullet Point No.25: The secret information available with NCB, or any other agency, is not meant to be shared with any suspect or accused, as Ms.Colette claims wants to. Moreover, she was well confronted with all evidences against her, and she was made to explain them, such as the e-mails sent by/to her, her role and designation in the company, bank records, ROC records etc.


Bullet Point No.26 to 28: The accused is again maligning the NCB officers and insulting the system by making false allegations that the investigation is botched up, and that NCB officers lied, deceived her and assaulted her etc. She is venting out her anger, frustration and hatred towards the Indian investigative agencies by using such words and language, such as "mafia police". NCB strongly objects to the use of such word for a reputed national agency by a criminal. Her claim that NCB had closed the case and re-opened it is misconstrued and imaginary. She also goes to the extent of saying that NCB harassed her in court and attempted to extort 40 Lac rupees from her, which at best can be described as an act of fiction and vendetta against the agency. She can prove nothing, because all these accusations are false and baseless. She goes on to blame NCB for delay in her trial, and then even blames the judiciary for travesty of justice! All this is nothing but an attempt to hoodwink the agency and malign its officers, to evade law and gain sympathy of the State.

(7)
(A3)
(23)

***NOTE:**

The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr.Vijay Agarwal for the period 3rd March to 14th August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr.Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr.Vijay Agarwal is absconding and is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the nefarious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr.Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr.Kansal might not have been beyond doubt. The records also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this, the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr.Agarwal and Mr.Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.



(HV) 5 2

SUB: Reply to complaints made by Ms. Colette Nicole Smith-reg.

Ref. Letter dated 15 Sep, 2015 (addressed to CBI Residential Complex, Dehradun by Ms. Colette Nicole Smith)

Reply to Introductory Para: Colette's claims that she has suffered blatant human and civil rights violations is false, baseless and aimed at maligning the image of NCB. She has nothing to prove her claims and is just making false allegations to attract unnecessary sympathy of the State and to evade criminal proceedings against her. She has alleged that NCB 'collaborated' with Mr. IPS Chawla to victimize her. NCB has not 'collaborated' with Mr Chawla. Being the Director of Daffohils, Mr. IPS Chawla was asked to provide the company records, manufacturing records, e-mails etc. for investigative purposes. She has alleged that DRI had to 'intervene' because of some corrupt IO. This can be best described as a statement of fiction and imagination, for which she has no base or proof. She goes on to blame the Indian Judicial System for rampant corruption and travesty of justice, and makes a request through her letter to 'clear' her name, a request which itself is illegal and a travesty of justice. She is trying to become bigger than the system.

Reply to Examples of Human & Civil Rights Violation: All the claims made by the complainant are factually false. During the period before her arrest at NCB, Delhi Zonal Unit she had been using her mobile phone, laptop. The accused Ms. Colette Smith has been stating falsely that her advocate was denied to be present with her. However the fact is that no one approached to advocate her till her production at the Hon'ble Spl. NDPS Court, Dehradun and it is not the duty of Narcotics Control Bureau to provide the legal assistance. Her claim that she was not produced before Magistrate within 24 hours of arrest is also totally false, as she was produced before the Magistrate within few hours of her arrest. After she was arrested she was permitted to call her family but she chose to call on other number as selected by her from her phone which is available in her call log. The information of her arrest was also sent to her embassy, hence complying with all the legal provision. All NCB officials themselves displayed their identification before her. She was not put in any 'unmarked' car, rather it was a government vehicle. She was never tortured or assaulted, as she alleges. All through her movement from the airport till the Delhi Zonal office and then to the Magistrate and on transit remand to Dehradun, a female official was always present with her, as documented. All the grounds of her arrest were explained to her, as she has herself testified in her own handwriting and signed on the Arrest Memo. She was not 'forced' to meet Govt. Doctor, in fact she was duly taken for medical examination as per

(41) 923

and procedure. She was never subjected to any mental torture. She says that in 8 hours drive from Delhi to Dehradun, she was forced to stay awake for 48 hours! a statement which does not need any comments. She obviously had problem with all NCB officials who accompanied her to Dehradun, and it was he who mentally harassed all officials by abusing them and saying derogatory things about Indian culture, Indian people and Indian system.

Reply to NCB officials Human Rights Violations:

- 1) Assault: Refers to incident at Delhi airport and IO Kamley. The undersigned has no comments
- 2) Torture: Refers to incident in Delhi and allegations against ZD. The undersigned has no comments
- 3) Relates to incident in Delhi when the accused was taken for medical examination, and to appear before magistrate. The vehicle used, which she is referring to as unmarked, was the official vehicle, and the residential area which the accused is referring to is the place where the Magistrate's house is. The 'strange' people which she is referring to are all NCB officials, who had all shown their identity to the accused. The accused was never forced to sign any document. Just that it was night time doesn't take away anything from the officer's duty to produce the accused before the Magistrate nor does it lend any leverage to the accused to make any allegations against any officers.
- 4) The accused is lying and contradicting herself by saying that grounds of arrest were not explained to her, because she has herself received a copy of the Arrest Memo which states that she was duly informed of her grounds of her arrest, and she has also stated in her handwriting and signed that she was duly informed of grounds of her arrest.
- 5) Her luggage was seized in her presence, as documented in the Memo which bears her signature.
- 6) The point refers to obtaining her Police Remand, which was lawfully obtained for investigative reasons.
- 7) The accused alleges that IO tortured her during Police Custody and forced the doctor what to write in medical report. This is false and baseless and aimed at maligning the image of the IO.
- 8) The accused was presented before Magistrate within few hours of her custody, and not after 40 hours, as she falsely alleges.
- 9) The accused is referring to bail applications of other accused in the case, that they were assaulted by NCB agents. To use the word 'agents' for

govt. officials is itself derogatory and objectionable. Moreover, it is nothing new for accused to blame any officer for assault.

10) The accused is blaming the action of Magistrate, which NCB cannot comment on.

11) The accused alleges that she was 'forced' to go to hospital. She might not be aware that this is a procedural requirement. She then complains that NCB did not allow her to talk to the doctor in private, which is not mandated anywhere in the law.

12) The allegation is false and totally baseless.

13) The accused is again maligning the NCB officers and insulting the system by making false allegations that the investigation is botched up, and that NCB officers lied, deceived her and assaulted her etc. She is venting out her anger, frustration and hatred towards the Indian investigative agencies by using such words and language, such as 'mafia police'. NCB strongly objects to the use of such word for a reputed national agency by a criminal. Her claim that NCB had closed the case and re-opened it is misconstrued and imaginary.

14) It is the accused herself, and not the IOs who feel above the law, as evidenced by Colette's behaviour during her arrest, in the jail and while maligning the Indian investigative agencies, legal and judicial system through her false complaints.

15) The accused is alleging that IO Vivek Pandey asked for 40 Lac through a Police Guard to get rid of the charges. This statement is made with the sole objective of maligning the image and integrity of the NCB officer and Colette does not have any evidence to support her claim. She may like to name the Police Guard in question, to corroborate her claim.

16) The accused has been falsely making allegations regarding the 'behaviour' of IO Vivek Pandey, IO Lav and the undersigned. She has no evidence whatsoever to support her claim that she was harassed, tortured, stalked and attempt of extortion! She is just throwing allegations in the air, to attract attention and sympathy.

17) Please refer to the NOTE at the end of the letter.

18) Her claim that allegations against her are baseless, is false and baseless, and self-judgemental.

19) The accused has never been wiretapped nor stalked. Her apprehensions are self imaginary.

Reply to IO's statements under oath:

All the statements (SI. No.1 to 21) are made by the IO on oath. The undersigned has no comments to make.

***NOTE:**

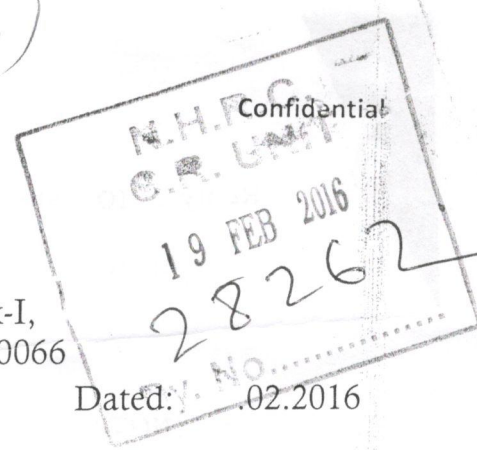
The undersigned wishes to bring here to the notice of concerned authorities that NCB is in possession of the record of whatsapp conversation between Prasad Reddy and Dr.Vijay Agarwal for the period 3rd March to 14th August. The whatsapp record was taken from the mobile of Prasad Reddy during his interrogation prior to his arrest on 17th August. (Both Prasad Reddy and Dr.Vijay Agarwal are accused in the case. While Prasad Reddy is presently lodged in Dehradun jail, Dr.Vijay Agarwal is absconding and is in USA). The whatsapp conversation, which runs into over 100 pages, reveals the nefarious designs of the various accused and their blatant abuse of the Indian executive, legal and judicial system. The accused had malicious designs and attempted hard to bribe the officers involved in the case. When they could not do so, they targeted the Public Prosecutor of Mr.Ashok Kansal, and some whatsapp excerpts suggest that the integrity of Public Prosecutor Mr.Kansal might not have been beyond doubt. The records also show that the accused tried hard to approach the High Court PP as well, but failed in their malicious intentions. Not stopping at this, the accused then tried to approach the Judiciary, and made irresponsible and derogatory remarks about them as well. Even the various attempts of Colette Smith to get bail relief on medical grounds was scripted and orchestrated by Dr.Agarwal and Mr.Reddy. When their various attempts at influencing the case failed, the two started a sustained vexatious campaign to malign the image of officers and forcefully 'trap' them by offering bribes. The conversations also reveal that they challenged the system and took to personal revenge. It is a result of this that when Colette Smith came out on bail, she took to a malicious campaign and wrote complaint letters against NCB officers, based on lies, misconstrued facts and false allegations.

The whatsapp records have been sent to CFSL for certification, and will be made part of the chargesheet.



(18243)

No. II/2(16)/2015-Vig. -68
Government of India
Ministry of Home Affairs
Narcotics Control Bureau, West Block-I,
Wing No.5, R K Puram, New Delhi- 110066



To

The Assistant Registrar (Law),
National Human Rights Commission,
(Law Division), Manav Adhikar Bhawan,
Blck-'C', G.P.O Complex, INA,
New Delhi -110023

SCANNED

Sub :- **Complaint of Ms. Colette Smith, Dehradun (Uttarakhand) against
Officers of NCB Dehradun Sub Zone- Reg.**

M-2
Sir,

Kindly refer to your letter Case No. 5769/30/0/2015 dated 05.11.2015 regarding complaint dated 16.09.2015 from Colette Nicole Smith, MPH, Bella HealthCare Charitable Trust, C-3, Nehru Colony, Across from Fountain Chowk, Dehradun.

2. It is to inform that the matter has been verified from the records of NCB Dehradun Sub Zone and it has been revealed that Ms. Colette Nicole Smith was one of the two directors of the M/S Daffohils Laboratories Pvt. Ltd. Selaquie, Dehradun (Uttarakhand) at the time when the crime was committed. She planned the schedule or production, sales and dispatch of the drugs containing pseudo-ephedrine in consultation with the suppliers, vendors and other employees over e-mails and phone. She was the joint holder of the bank account of the company and was authorized the financial transactions and signed cheques. She diverted many payments meant for the company through personal bank accounts of another employee. She represented the company for taking approval of some drugs containing pseudoephedrine from the State Drug Deptt. Evidence against her includes the excerpts of e-mail conversations, voluntary statements of Inderpal Singh Chawla, Rajesh Mohan Salunke, Ms Parul Sinha and her own voluntary statement.

3. As per the reports of Zonal Director, NCB Delhi Zonal Unit and Superintendent NCB Dehradun Sub Zone received through DDG (NR) the allegations levelled by Ms. Colette Nicole Smith and Mrs. Rosemary A Nowak (Mother of Colette Smith) are false and baseless. Copies of the reports of ZD and Superintendent alongwith relevant documents are enclosed for further necessary action, please.

Encl : as above.

Yours faithfully,

N.R.
12.2.16

(N.R.Sharma)
Assistant Director (Adm.)

C.R.
A.E