



**Judge, High Court of
Bombay**

Justice Michael F. Saldanha (Retd)



**Judge, High Court of
Karnataka**

141A, Jolly Maker Apartments No. 1, Cuffe Parade, Mumbai – 400 005.
Mobile No. 98440 28695 / 98440 82695 - Email:

04th June 2020

1. The Bishop of Mysore
Email:- bishop@mysorediocese.com

2. Rev. Dr. Peter Machado
Archbishop of Bangalore
Email:- archbishop@bangalorearchdiocese.org

1. A very serious and grave situation has arisen by virtue of the incident dated 01.06.2020 that has been recorded in relation to the fabrication of a document at Perar through the instrumentality of Fr. Mendonca. This Priest is based at Madikeri and it cannot be disputed that he was summoned by you to Mysuru and ordered to carry out this operation. It is for this reason that he has been afforded the option of clearing his position and coming clean by disassociating himself from the culpability and altering his position from that of an accused to that of a witness. That decision will be taken by the law enforcement authorities. There is an operational problem in so far as even if he contends that he was carrying orders, it is well settled in criminal law that it does not absolve that person of the guilt. As far as you are concerned, it can never be even contended by you that Fr. Mendonca was acting independently without your knowledge. Either ways one aspect stands out namely that you have implicated a senior and respected member of the Clergy in a criminal offence. This has to be viewed in the background that you were confronted with the evidence that incriminates you – that position is indefensible and remains undisputed even on paper.
2. Fr. Mendonca would have no control over the Mysuru Police and above all, on the inter-district movement of their vehicle and officer. This is a very serious matter which is under investigation that there exists a background of your being able to use the police to support illegal and ulterior objectives.
3. If you had any defence to the complaint signed by 37 members of the Clergy, you could have put forward by refuting the charges before the proper forum. Intimidating the complainants threatening them and ordering them to sign revocations has been going on by you for several months. If the charges were groundless, there is absolutely no ground for you to have done this.



**Judge, High Court of
Bombay**

Justice Michael F. Saldanha (Retd)



**Judge, High Court of
Karnataka**

141A, Jolly Maker Apartments No. 1, Cuffe Parade, Mumbai – 400 005.

Mobile No. 98440 28695 / 98440 82695 - Email:

Each of the complainant is being called to different police stations, made to sit there for atleast four hours and threatened with arrest if they do not sign the revocation / apologies. One factor stands out namely that the majority of them are senior citizens some of whom admittedly have health problems such as Fr. Colaco. One session of this type is sufficient to kill a decent old man who has never seen the inside of a police station. What is worse is that the mafia is also being used in order to threaten their lives which is an additional factor. The only person aggrieved by their complaint is yourself and the evidence points directly to you and to your co-conspirators who abet these tactics.

4. The family of the late Fr. Albuquerque has so far not lodged any formal complaint, though seriously aggrieved. One of them is a respected member of the teaching fraternity and it is his case that he was in Mandya on 03.03.2020 and that you and two others made him to waive his guest lecture and rush to the hospital in Mysuru from where you personally took him to the police station and asked him to affix his signature to some documents on the ground that they were essential pre-requisites for the funeral. He was not told what these documents pertained to but came to know subsequently when for the first time in his life he was taken by you to the post-mortem theatre and made to witness the post-mortem which was an absolute nightmare. He had decided for good reason to blank this incident from his memory. Recently, an officer from the City Police Station telephoned him and told him that he should not make any complaints about Father's death and he willingly agreed and also told the officer that he should be kept out of the matter. He has asked for the post-mortem notes many times but was told that they will not be given to him. The decision to order a post-mortem was entirely yours and the question as to how and why the police agreed to this will be decided by the Court.
5. The homicidal death of Fr. Albuquerque is a serious offence which could end up with a death sentence. It is far graver than the Nirbhaya case but the Trial Court will decide the matter on merits. One of the crucial circumstances will be the question of attempt to destroy evidence coupled with the fabrication of evidence in an attempt to escape from the culpability. It is here that the



**Judge, High Court of
Bombay**

Justice Michael F. Saldanha (Retd)



**Judge, High Court of
Karnataka**

141A, Jolly Maker Apartments No. 1, Cuffe Parade, Mumbai – 400 005.

Mobile No. 98440 28695 / 98440 82695 - Email:

incident of 01.06.2020 assumes grave significance. That is one of the reasons why the Notice addressed to Fr. Mendonca has been served on you. The fabricated documents are yet to be traced but that will be done by the investigating authorities. As the record stands the execution cannot be denied.

6. It is equally important that the fabricated documents be produced before the Commissioner of Police, Mangaluru who is the competent authority to take charge of them and you are required to do so forthwith.
7. Your supervisory authority is the Archbishop of Bangalore and this Notice is also addressed to him not because he is in any way involved with the culpability aspect but under the law, he is duty bound to ensure that subversion of the law does not take place.
8. The Apex Body i.e. the CBCI is also concerned with instances of grave misconduct / criminality by a Bishop and hence, this Notice is copied to Cardinal Gracias at Mumbai who is the President of the CBCI, lest at a later date these authorities claim ignorance of these developments.

Justice Michael F. Saldanha