



Royal Commission into
Institutional Responses to
Child Sexual Abuse

CASE STUDY 21: SATYANANDA YOGA ASHRAM

CRIMINAL PROCEEDINGS CHRONOLOGY

Date	Event	DocID (Tender Bundle Ref)
2 June 1987	<u>Alecia, APL, APB, APA</u> Akhandananda Saraswati charged with child sexual abuse offences in relation to APL, Alecia Buchanan, APB, and APA.	<u>NSW.0038.003.0545_R</u> (Tab 29)
20 May 1988	<u>APL</u> Akhandananda committed to stand trial on 21 counts of carnal knowledge by a teacher and an act of indecency with a person under 16. He pleaded not guilty and was granted bail.	Committal hearing transcript – not for tender
12 September 1988	Akhandananda charged with endeavouring to persuade Vajrananda Saraswati to murder Shishy and APD.	<u>NSW.2019.004.0230_R</u> (Tab 41)
15 March 1989	Counsel for the accused, then Paul Byrne, made an application to sever those counts involving different complaints and for the Crown to nominate which complainant would proceed first. The Crown nominated APL.	<u>NSW.0038.001.0231_R</u> (Tab 56)
27 April 1989	<u>APL</u> Akhandananda's trial commenced on charges of three counts of committing an act of indecency with a child under the age of 16 years (s 61E(2) of the then <i>Crimes Act 1900</i>) and two counts of being a teacher and carnally knowing his pupil (s 71 of the then <i>Crimes Act 1900</i>). In the alternative to the two counts of carnal knowledge by a teacher, he was charged with two counts of committing an act of indecency on a child under the age of 16 years.	<u>NSW.0038.002.0163_R</u> <u>NSW.0038.002.0267_R</u> <u>NSW.0038.002.0275_R</u> <u>NSW.0038.002.0327_R</u> <u>NSW.0038.002.0356_R</u> (Tab 44 - 48)

	<p>The trial ran for seven days and a defence was put forward based on the idea that Shishy had been trying to effect a takeover of the Ashram when she left in 1985 and that she had conspired with the children to falsely allege the sexual assault against Akhandananda. Shishy gave evidence for the prosecution at trial, as she had done at committal. On behalf of the defence Nadamurti (Dr Henry Sztulman) and APT gave evidence.</p> <p>(Closed court)</p>	
5 May 1989	<p><u>APL</u></p> <p>Akhandananda was found guilty of three counts of committing an act of indecency with a child under the age of 16 years.</p>	NSW.0038.002.0398_R (Tab 49)
8 May 1989	<p><u>APL</u></p> <p>Akhandananda was sentenced to two years and four months gaol with a non-parole period of 12 months</p>	NSW.0038.002.0402_R (Tab 50)
10 May 1989	<p><u>APL</u></p> <p>Akhandananda appealed sentence and conviction.</p> <p>Court's order prohibiting publication of proceedings and sentence lifted (DPP notes).</p>	NSW.0038.001.0076 NSW.0038.001.0078 (Tabs 51 – 52) NSW.0038.001.0231_R (Tab 56)
19 December 1989	<p><u>APL</u></p> <p>NSW Court of Criminal Appeal dismissed Akhandananda's appeal against his conviction and ordered that any time already served would count towards his sentence.</p>	CRT.0011.001.0032 (Tab 53)
1 August 1990	<p><u>APH</u></p> <p>Akhandananda was charged with two counts of indecency, one count of inciting an act of indecency and one count of sexual intercourse without consent for offences against APH.</p>	NPF.047.003.0178_R (Tab 55)
2 October 1990	<p><u>Alecia</u></p> <p>Trial commenced regarding Alecia Buchanan commenced. Akhandananda pleaded not guilty to one count of inciting an act of indecency and one count of carnal knowledge by a teacher.</p>	NSW.2019.001.0004 (Tab 67A)

5 October 1990	<p><u>Alecia</u></p> <p>Akhandananda was found guilty on one count of inciting an act of indecency regarding Alecia Buchanan. Akhandananda was remanded for sentence pending outcome of the application to the High Court. Following decision of the High Court, the matter was listed for sentencing on 29 August 1991.</p>	NSW.2019.001.0004 (Tab 67A)
10 October 1990	<p><u>APL</u></p> <p>Application for special leave to appeal from the NSW Court of Criminal Appeal was heard by the High Court into Akhandananda's conviction on charges of indecency against APL.</p>	CRT.0011.001.0001 (Tab 57)
5 June 1991	<p><u>APL</u></p> <p>High Court by a 3:2 majority allowed the appeal and quashed the convictions, ordering verdicts of acquittal in respect of each charge.</p> <p>The Court held that a charge of committing an act of indecency could not be brought under s 61E(2) of the then <i>Crimes Act 1900</i> when the conduct relied upon constituted an indecent assault under s 61E(1) or carnal knowledge under s 71. The Court held that Parliament did not intend that the power to prosecute under s 61E(2) be used to circumvent the time limitation imposed by s 78 on s 61E(1) and s 71: <i>Saraswati v R</i> (1991) 172 CLR 1).</p>	CRT.0011.001.0001 (Tab 57)
19 – 20 March 1991 25 June 1991	<p><u>APH</u></p> <p>Akhandananda appeared at a committal hearing in Gosford in relation to 4 charges involving APH – one count of sexual intercourse without consent, two counts of indecent assault and one count of committing an act of indecency. The Presiding Magistrate dismissed 3 counts, but committed Akhandananda on the charge of commit act of indecency.</p>	NSW.2023.002.0025_R NSW.2023.002.0085_R NSW.2023.002.0171_R (Tabs 59 – 61)
26 June 1991	<p><u>Alecia, APA, APB</u></p> <p>Paul Rosser QC, Crown Prosecutor, submitted to the DPP that there be no further proceedings regarding APA and APB, but that the Crown resist any application for permanent stay of proceedings regarding Alecia Buchanan.</p>	NSW.2019.003.0131_R (Tab 62)

1 July 1991	<p><u>APH</u></p> <p>Crown prosecutor submitted to the DPP that an ex-officio indictment should be presented against Akhandananda in respect of the two charges on of indecently assaulting APH that had been discharged at committal.</p>	NSW.2019.003.0441_R (Tab 63)
4 July 1991	<p><u>APA, APB</u></p> <p>Proceedings regarding APA and APB no-billed by the DPP as a result of the judgment of the High Court.</p>	NSW.2019.003.0127_R (Tab 64)
29 August 1991	<p><u>Alecia</u></p> <p>Akhandananda appeared before NSW District Court for sentencing regarding Alecia Buchanan.</p> <p>On that same day, application was made by Chester Porter QC for the applicant, for the arrest of the judgment of guilty and that the proceedings be set aside and a verdict of acquittal entered.</p>	NSW.2019.001.0004 (Tab 67A)
30 August 1991	<p><u>Alecia</u></p> <p>The District Court Judge acceded to the application and Akhandananda was acquitted.</p>	NSW.2019.001.0004 (Tab 67A)
20 January 1992	<p><u>APH</u></p> <p>Handwritten note on memorandum from Senior Deputy Director to the DPP suggests that the DPP declined to file an ex-officio indictment regarding APH.</p>	NSW.2019.002.0368_R (Tab 66)
16 and 17 September 1992	<p><u>APH</u></p> <p>Akhandananda's trial in relation to the single count of commit an act of indecency against APH.</p> <p>Single judge verdict of not-guilty entered.</p>	PS.0872.003.0032_R (Tab 67)