

DATE: 19<sup>th</sup> February, 2010.

Gana Kiritharan,  
307 – 10 Stonehill Court,  
Scarborough, Ontario, M1W 2X8  
Tel: 416-820-8581

TO: Fraud Squad,  
42 Division,  
Toronto Police Services,  
242 Milner Avenue East,  
Scarborough, Ontario,  
M1S 5C4

Dear Sir / Madam,

Re: Claim of Miscarriage of Justice in Fraud Complaint # 2529262  
(Civil Case: Kiritharan vs TD Canada Trust (07 – CV – 341987PD))

I, Gana Kiritharan, through this letter would like to bring your kind attention of present status of Fraud Complaint (# 2529262) I made in your division.

As advised by your division police officers and some lawyers I also made a civil claim in Ontario Civil Court for the account details managed under my name. In the civil case, initially on my request court issued orders to provide account details managed under my name in the bank. But during a motion on November 12<sup>th</sup>, 2008, when I request court to order that “There is enough evidence to suspect commission of crime in accounts managed under my name” and asked for more account details, court rejected by claim and issued a court order against my claim. Also when the bank brought a summary judgment on July 14<sup>th</sup>, 2009 despite my objection court issued a judgment against me. I claim the present status of this issue as “Miscarriage of Justice” for several reasons. Please find my letters addressed to Canada and Ontario Judicial Council and letter addressed to Attorney General of Ontario for the reasons I have identified as the reasons of present status.

I also would like to bring your attentions the issues which I claim as mistakes by Toronto Police Services which lead to the present status (Miscarriage of Justice).

1. Though I submitted enough evidence to suspect a commission of a crime, Toronto Police Services failed to initiate a criminal investigation. Though I was informed by TPS that this is a civil case, I feel it is a mistake and only a criminal investigation will bring out the truth.

A. I want to make a reference to Common Law case which may be appropriate here. (Tap 7 Page 115 of this record.)

The words of Lacourciere J, then Ontario High Court, Application under Rule 6 of the Criminal Appeal Rule to quash a search warrant, in *Regina v. Movat, Ex Parte Toronto-Dominion Bank* [1967], [1968] 2 C.C.C. 374.,

“I do not want to be understood as stating that banks are in all cases exempt from search and seizure under s.429; a bank suspected of a criminal offence would be subject to search and seizure of its books and records;”

- B. Also at the motion on November 12<sup>th</sup>, 2008, I requested the civil court to order that there are enough evidences to suspect that there was a commission of crime in accounts managed under the name of Plaintiff (Gana Kiritharan or Kiritharan Kanagalingam) in Defendant bank (TD Canada Trust).



When responding to this request civil court said that “There is no relief this court can find or grant on this motion today. This is civil, not a criminal, court.”

These two orders may confirm that when there is evidence to suspect commission of crime by a bank or in a bank, it is responsibility of criminal judiciary to fight against that crime and bring out the truth to the victims.

Court decision of the motion on November 12<sup>th</sup>, 2008, and the motion for summary judgment on July 14<sup>th</sup>, 2009 says that there is no evidence for a secret account existed in my name in TD Canada Trust. But these conclusions made with out proper investigation into evidences to suspect a commission of crime, also such court orders may contradict with the court order I mentioned in 1. B.

If any court order in the Civil Case becomes a barrier for a criminal investigation then I expect Toronto Police Service to formally inform me that “you believe that there is evidence to suspect a commission of crime in my account and asking me to appeal against civil court order”. If I receive such a formal request then I am prepared to appeal against the court order. Other wise I do not want to waste my time and money in this issue.

2. Secondly I want to identify that defendant (TD Canada Trust) attempt to mislead the court by deliberately concealing my account details and other banking documents and Toronto Police Services failure to take action against this behavior as the reason for the present status. Details of such misleading information are presented in tab 3 (Pages 49 – 55, also Pages 24 – 26, 27 – 34, 35 – 43, and 29, 30 and 130.)

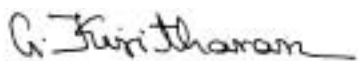
**I found that defendant lawyers claim of hours for time for November 12<sup>th</sup>, 2008 motion increased by 6.2 hours after completion of motion. If the reason for this is not negligent, then the costing details may be prepared fraudulently or defendant lawyer may have spend 6.2 hours discussing the issue with somebody after completion of the motion. (Tab 9 Pages 171 & 176)**

3. I also want to state that an illegally obtained and circulated psychiatric diagnosis about my mental condition between legal professional and possibly also between Toronto Police Services as the reason for the present status.

Around July 2008 I came to know I was diagnosed with “Delusional Disorder of Persecutory Type” by Canadian Psychiatrist and I made this diagnosis public when I received it. Any Psychiatric diagnosis received by legal professional or Toronto Police Services before July 2008 may obtained illegally. Also I feel even above diagnosis is a mistake and any treatment based on such diagnosis came as unnecessary harassment for me.

Please be advised that above mentioned issue have brought sever damages for my personal, intellectual and business life. I am expecting Toronto Police Services to take this issue seriously and provide me a formal reply regarding their future planned action in this issue.

Yours truly,



Gana Kiritharan.

Cc: Chief of Police – Toronto Police Services.  
Ombudsman – Toronto Police Services.