

Registered A.D./Ordinary

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No 4/RTI/Gen/2006/JS-II 1989

Dated: - 7<sup>th</sup> April 2006

To

The Chief Electoral Officer,  
West Bengal,  
Kolkata.

Subject: - Transfer of an application under Section 6 (1)(3) of the Right to Information Act, 2005.

Sir,

I am directed to forward herewith a letter dated 31/3/2006 (in original) received from Shri Krishnapada Sarkar, C/o M/s K.P.Sarkar & Co., 1 no. Rice Mill Campus, Raiganj under the Right to Information Act, 2005 with the request to direct the concerned District Election Officers for taking appropriate action under the Right To Information Act 2005.

Yours faithfully,



(S.R.KAR)  
UNDER SECRETARY

Registered A.D.

Copy to Shri Krishnapada Sarkar, C/o M/s K.P.Sarkar & Co., 1 no. Rice Mill Campus, Raiganj. He is requested to approach the concerned District Election Officers for obtaining the information under the Right to Information Act 2005. Bank Draft Bearing No. 121693 dated 23.03.2006 is returned herewith.



To  
The Public Information Officer,  
Election Commission of India,  
Nirvachan Sadan, Ashoka Road,  
New Delhi

Sub : Application for seeking information as per RTI Act, 2005.

Sir,

I like to know certain information in connection of issue of notice u/s 22 of R.P. Act, 1950.

The details of the information asked for and other necessary particulars are given below for your consideration and necessary action.

1. Name of the Applicant : **Krishnapada Sarkar**
2. Address : C/o M/s K.P. Sarkar & Co.  
1 no. Rice Mill Campus.  
Raiganj - 733134.  
Dist. Uttar Dinajpur, W.B.  
E-mail address : [kpsarkar@sancharnet.in](mailto:kpsarkar@sancharnet.in)  
Tel. No. 252704 (STD 03523)  
Mobile 9434052704
3. Particulars of information –  
Concerned department : 31, Raiganj Assembly Constitution &  
90, Barasat Assembly Constituency  
West Bengal.

(i) Details of information required :

- a) Reason of issue of notice u/s 22 of R.P. Act of 1950 from ERO-31, Raiganj Assembly constituency vide Memo No. 1512(26)/ERO dated 31.10.05 while bail has already been granted from Ld. SDJM Court, Raiganj on 29.11.2004 against the pending case GR No. 623/2001, FIR No. 258/2001 as per the direction of the Supreme Court of India vide order no. Cr. A-1076/04 dated 24.09.2004 prior to that the warrant of arrest was stayed by on 13.02.2004, the date of first hearing of the Special Leaved Petition filed with the apex Court. Necessary documents has been produced personally to the ERO on 16.11.2005 at the time of hearing.
- b) Reason for not taking similar action u/s 22 of the R.P. Act, 1950 by the ERO, 90 Barasat Assembly Constitution (W.B.) against the accused Dr. Anuj Kr. Bhattacharjee. As per the records of EC websites and Raiganj Court Dr. Anuj Kr. Bhattacharjee, s/o Late Amulya Ratan Bhattacharjee is resident of Bhatrapally, P.O. & P.S. Barasat, Dist. 24-Parganas (North) employed with the Directorate of Jail, Govt. of West Bengal at Writers' Building, Kolkata as Deputy, Director of Jail registered as an elector at Sl. No. 464, Part no. 89 of the electoral roll for 90 Barasat Assembly Constituency of West Bengal against whom warrant of arrest is pending for the Criminal case till 31.03.2006 before the Court Ld. SDJM, Raiganj, Dist. Uttar Dinajpur bearing no. GR 623/2001, FIR – 258 dated 04.08.2001 against his own complain lodged at the time of hearing of vigilance case on 02.08.2001 to develop new case purposefully with active support of the investigating officer to dilute the original charges.

Contd.....



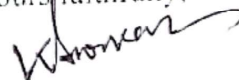
4. I like to state that I have been deprived from enjoying the right and liberty granted by the constitution of India by Art -14 for equality before law and application of the principle of natural justice Art 19(g) for carrying on my profession as a Chartered Accountant and Art- 21 for getting justice since long which has actually been denied by adopting delaying tactics in the proceeding of the case. As per the record of the Court and Police report he has been found as farer and not available for execution of warrant of arrest inspite of his registration as elector and having close working relation among the Department of Police, Judiciary and Jail. It can be assumed as the result of corrupt practice of using the public offices for the personal benefit which is prejudicial to the interest of the democracy.
5. I state that the information sought does not fall within the restrictions contained in Section 6 of the Act and to the best of my knowledge it pertains to your office.
6. A demand draft no. 121693 dated 23.03.2006 of Rs. 10/= of Punjab National Bank payable at New Delhi towards application fees and other documents stated hereunder in support of my views are enclosed herewith for your consideration and necessary action.

I shall be pleased if you kindly do the needful to provide me necessary information.

Thanking you.

Place : Raiganj  
Date : 31<sup>st</sup> March, 2006.

Yours faithfully,

  
(K.P. Sarkar)

Enclosure :

1. Xerox copy of Notice u/s 22 of R.P. Act. Memo no. 1512(26)ERO dt. 31.10.05.
2. Xerox copy of Information obtained from CJM, Raiganj about pending of warrant of arrest.
3. Demand draft of Rs. 10/=.

Copy to -  
Mr. R. Balakrishnan,  
Deputy Election Commissioner  
Through E-mail id [balakrish@eci.gov.in](mailto:balakrish@eci.gov.in)  
For Information and necessary action.

NOTICE U/S 22 OF R.P. ACT 1950 FOR DELETION OF NAME

From: Memo No. 1512 (26) / GR O.

DL. 31/10/2005

Electoral Registration Officer of

31, Raiganj Assembly Constituency

To

কৃষ্ণপদ সরকার

তুলসীপাড়া ৭৩৩১৩৪

বায়গঞ্জ

NOTICE

Sir/Madam,

Whereas, as per records, your name is registered as an elector at Sl. No. 787 Part No. 122 of the electoral roll for 31 Assembly Constituency in the State Of West Bengal.

2. Whereas, it has been reported to the undersigned that you have been found absent from the place of your ordinary residence as given in the electoral roll for the last more than six months. It is, therefore, presumed that you have ceased to be ordinarily resident in the constituency at the above mentioned address.

3. Take notice that the undersigned proposes to delete your name from the electoral roll under the provisions of Section 22 of the Representation of the People Act 1950 on the ground that you have ceased to be ordinarily resident in the constituency. in case you have anything to submit against the action proposed to be taken in relation to you, you may appear personally before the undersigned on 16/11/2005 (date) at 11-00 AM (hours) in the office of the undersigned.

4. Take further notice that in the event of your failure to appear personally before the undersigned on the aforesaid date and hour, it will be presumed that you have nothing to say in the matter and your case would be decided under the said Section 22 Without further reference to you

Place: KARNAJORA

Sub-Divisional Officer  
Raiganj, Uttar Dinajpur



Electoral Registration Officer for

Date : \_\_\_\_\_

31, Raiganj Assembly Constituency



## নির্বাচক তালিকা ২০০৬

ক্রমিক নং	বাড়ির নং	নির্বাচকের নাম	সম্পর্ক	সম্পর্কিত ব্যক্তির নাম	লিঙ্গ	বয়স	সচিব পরিচয়পত্র নং
১	২	৩	৪	৫	৬	৭	৮
ভাগ নং ১ (ক্রমঃ) ভাটরা পল্লী . ৭৪৩২০৩							
৪৫০		জয়জীৎ ব্যানার্জী	পিতা	অলোক কুমার ব্যানার্জী	পুং	২৭	CKW2817799
৪৫১		দিলীপ ব্যানার্জী	পিতা	কালিপদ ব্যানার্জী	পুং	৫২	WB/13/090/279520
৪৫২		বেবা ব্যানার্জী	স্বামী	দিলীপ ব্যানার্জী	স্ত্রী	৪৪	WB/13/090/279208
৪৫৩		চৈতালী ব্যানার্জী	পিতা	দিলীপ ব্যানার্জী	স্ত্রী	২৪	CKW2897858
৪৫৪		কালীদাস ব্যানার্জী	পিতা	সতীশচন্দ্র ব্যানার্জী	পুং	৭২	WB/13/090/276160
৪৫৫		দুর্গাদাস ব্যানার্জী	পিতা	সতীশচন্দ্র ব্যানার্জী	স্ত্রী	৬৪	CKW4261525
৪৫৬		গৌরী ব্যানার্জী	স্বামী	দুর্গাদাস ব্যানার্জী	স্ত্রী	৫০	WB/13/090/276249
৪৫৭		দুলাল ব্যানার্জী	পিতা	দুর্গাদাস ব্যানার্জী	পুং	৩৩	
৪৫৮		তাপস ব্যানার্জী	পিতা	দুর্গাদাস ব্যানার্জী	পুং	২৭	
৪৫৯		দেবীপ্রসাদ ব্যানার্জী	পিতা	শচীন্দ্রনাথ ব্যানার্জী	পুং	৬৭	CKW2816833
৪৬০		কেয়া ব্যানার্জী	স্বামী	দেবীপ্রসাদ ব্যানার্জী	স্ত্রী	৫৭	CKW2816841
৪৬১		রাজকৃষ্ণ ব্যানার্জী	পিতা	দেবীপ্রসাদ ব্যানার্জী	পুং	৪১	CKW2816858
৪৬২		সোমা ব্যানার্জী	স্বামী	রাজকৃষ্ণ ব্যানার্জী	স্ত্রী	৩৩	CKW2816866
৪৬৩		দীপা ব্যাপারী(দাস)	স্বামী	মাদ্রলা ব্যাপারী	স্ত্রী	৩০	WB/13/92/1093423
৪৬৪		অনুজ ভট্টাচার্য্য	পিতা	অমুল্যরতন ভট্টাচার্য্য	পুং	৫৮	CKW2897908
৪৬৫		অঞ্জলী ভট্টাচার্য্য	স্বামী	অনুজ ভট্টাচার্য্য	স্ত্রী	৫২	CKW2387892
৪৬৬		সঞ্জীব ভট্টাচার্য্য	পিতা	অমুল্যরতন ভট্টাচার্য্য	পুং	৫৭	CKW2388692
৪৬৭		আরতী ভট্টাচার্য্য	স্বামী	সঞ্জীব ভট্টাচার্য্য	স্ত্রী	৫০	CKW2388700
৪৬৮		মনোজ ভট্টাচার্য্য	পিতা	অমুল্যরতন ভট্টাচার্য্য	পুং	৫০	CKW2382133
৪৬৯		ডলি ভট্টাচার্য্য	স্বামী	মনোজ ভট্টাচার্য্য	স্ত্রী	৪৬	WB/13/090/276165
৪৭০		মিহির আদিতা	পিতা	কালী আদিতা	পুং	৬৮	CKW2817674
৪৭১		শিপ্রা আদিতা	স্বামী	মিহির আদিতা	স্ত্রী	৫৫	CKW2817682
৪৭২		প্রবোধ সুন্দর ভট্টাচার্য্য	পিতা	গিরিজাসুন্দর ভট্টাচার্য্য	পুং	৮১	WB/13/090/0159571
৪৭৩		নিরুপমা ভট্টাচার্য্য	স্বামী	প্রবোধসুন্দর ভট্টাচার্য্য	স্ত্রী	৭১	WB/13/090/0159702
৪৭৪		বিভাস ভট্টাচার্য্য	পিতা	প্রবোধসুন্দর ভট্টাচার্য্য	পুং	৩৯	WB/13/090/0159518
৪৭৫		শর্মিষ্ঠা আদিতা(দত্ত)	স্বামী	দীপক আদিতা(দত্ত)	স্ত্রী	২৫	CKW2817690
৪৭৬		সাধন ভট্টাচার্য্য	পিতা	বীরেশ্বর ভট্টাচার্য্য	পুং	৬৬	WB/13/090/279258
৪৭৭		মমতা ভট্টাচার্য্য	স্বামী	সাধন ভট্টাচার্য্য	স্ত্রী	৬২	WB/13/090/279308
৪৭৮		পল্লবী ভট্টাচার্য্য	পিতা	সাধন ভট্টাচার্য্য	স্ত্রী	২৯	WB/13/090/279307
৪৭৯		জয়তী ঘোষ	স্বামী	শুভাশীষ ঘোষ	স্ত্রী	৩৫	WB/13/090/279467
৪৮০		সুভাষ ভট্টাচার্য্য	পিতা	মহাশ্বনাথ ভট্টাচার্য্য	পুং	৬০	WB/13/090/276205
৪৮১		শুভ্রা ভট্টাচার্য্য	স্বামী	সুভাষ ভট্টাচার্য্য	স্ত্রী	৫৪	WB/13/090/276225
৪৮২		রাজা ঘোষ	পিতা	সুনীলকৃষ্ণ ঘোষ	পুং	২৮	WB/13/090/276448
৪৮৩		আশালতা ভট্টাচার্য্য	স্বামী	কালিপ্রসন্ন ভট্টাচার্য্য	স্ত্রী	৭৯	WB/13/090/279216
৪৮৪		তারকনাথ ভট্টাচার্য্য	পিতা	কালিপ্রসন্ন ভট্টাচার্য্য	পুং	৫৯	WB/13/090/279218
৪৮৫		মমতা ভট্টাচার্য্য	স্বামী	তারকনাথ ভট্টাচার্য্য	স্ত্রী	৫৪	WB/13/090/279217
৪৮৬		সহেলি ভট্টাচার্য্য	পিতা	তারক নাথ ভট্টাচার্য্য	স্ত্রী	২৪	CKW4262952
৪৮৭		শোভনা ভট্টাচার্য্য	স্বামী	দিলীপ ভট্টাচার্য্য	স্ত্রী	৫৬	AR/01/013/132016
৪৮৮		দিলীপ ভট্টাচার্য্য	পিতা	শ্যামাচরন ভট্টাচার্য্য	পুং	৫৬	AR/01/013/132016
৪৮৯		সুস্মিতা ভট্টাচার্য্য	পিতা	দিলীপ ভট্টাচার্য্য	স্ত্রী	২৪	CKW2818375
৪৯০		পুষ্প ভট্টাচার্য্য	পিতা	দ্বীজেন্দ্র ভট্টাচার্য্য	স্ত্রী	৪৫	WB/13/090/276237
৪৯১		সুমিতা ভট্টাচার্য্য	স্বামী	বিষ্ণুপদ ভট্টাচার্য্য	স্ত্রী	৪৯	
৪৯২		সুমনা ভট্টাচার্য্য	পিতা	বিষ্ণুপদ ভট্টাচার্য্য	স্ত্রী	২৯	
৪৯৩		রবীন ভট্টাচার্য্য	পিতা	মহাশ্বনাথ ভট্টাচার্য্য	পুং	৫৮	WB/13/090/276690
৪৯৪		মীনাক্ষী ভট্টাচার্য্য	স্বামী	রবীন ভট্টাচার্য্য	স্ত্রী	৪৫	WB/13/090/276693

**Government of West Bengal  
Office of the District Election Officer &  
District Magistrate, Uttar Dinajpur  
(Election Section)**

Memo No. 1762 /Elec.

Dated 03/07/2006

From : The District Election Officer &  
District Magistrate, Uttar Dinajpur

To : Shri Krishnapada Sarkar,  
C/o- K.P. Sarkar & Co.  
1 No. Rice Mill Campus  
P.O.- Raiganj, Uttar Dinajpur

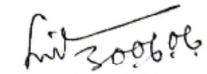
Sub : Issuance of notice U/S 22 of R.P. Act, 1950 – providing information – regarding.

Ref : Your application dt. 22.05.2006.

With reference to your application dt. 22.01.2006, it is to inform you that as per decision of ECI to the effect that the names of the persons against whom NBWs could not be executed for more than six months should be deleted by the EROs under section 22 of R.P. Act. 1950 based on the assumption that these persons have ceased to be ordinarily residents at least for the last six months at their given address after giving a reasonable opportunity to the persons concerned of being heard in respect of the action proposed to be taken in relation to them. Consequently, a list of persons against whom NBWs were kept pending for more than six months pertaining to this district had been obtained from the CEO's end where your name was enlisted at Sl. No. 151 under Raiganj Police Station vide case reference no. GR 623/01 under section 467/468/477(A)/120(B)/42/419 IPC.

As a logical consequence, notice under section 22 of R.P. Act. 1950 was issued against you by the concerned ERO in the event of non availability of any other information like issuance of stay order of warrant of arrest vide date 13.02.2004, granting of bail by the Hon'ble SDJM, Raiganj on 29.11.04 etc. as has been claimed by you in your letter, in the said list of NBWS provided by the authority concerned.

The whole process was done in accordance to the guidelines of ECI and there was certainly no malafide intention of the ERO concerned in this regard as apprehended by you.

  
**District Election Officer &  
District Magistrate, Uttar Dinajpur**

Memo No. /Elec.

Dated /07/2006

Copy forwarded for information to:

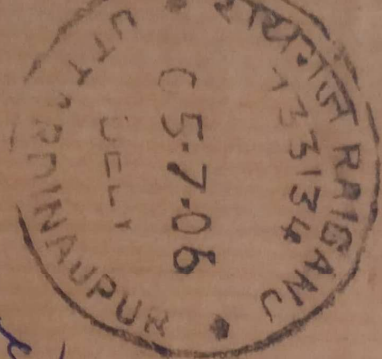
1. Chief Electoral Officer, West Bengal
- 2-3. E.R.O., 31-Raiganj (SC), 34-Itahar Assembly Constituency & Sub-Divisional Officer, Raiganj,

**District Election Officer &  
District Magistrate, Uttar Dinajpur**

**ON INDIA GOVT. SERVICE**

Mem<sup>o</sup> No 1762/alu. dt. 03/7/2006

To  
The Sri Krishna Pada Sarker  
C/o K. P. Sarker & Co.  
1 No. Rice Mill Campus  
P.O. - Raiganj  
Dist. - Dinajpur



**Despatcher**  
District Election &  
District Magistrate Office  
Utter Dinajpur.



Krishnapada Sarkar,  
C/O K.P. Sarkar & Co.  
1 no. Rice Mill Campus,  
Raiganj, Dist. Uttar Dinajpur  
Phone – 252704 (STD 03523)  
E-mail id – kp\_sarkar@sancharnet.in

To  
The District Election Officer,  
Uttar Dinajpur District,  
Karnajora, Raiganj,  
Dist. Uttar Dinajpur.

Sir,

Sub : Application for seeking information as per RTI Act, 2005.

I like to know the reason of issue of notice u/s 22 of R.P. Act, 1950 from ERO-31 of Raiganj Constituency vide memo no. 1512(26)/ERO dated 31.10.05 inspite of bail granted from Ld. SDJM Court, Raiganj on 29.11.2004 against pending case GR No. 623/2001, FIR no. 258/2001 as per the direction of the Supreme court of India vide order no. CR A-1076/04 dated 24.09.2004. Prior to that the warrant of arrest was stayed on 13.02.2004, the date of first hearing of the Special Leaved Petition filed with the apex court. Necessary document has already been produced to the ERO on 16.11.2005 at the time of hearing.

Further I like to state my apprehension based on the consequence of the several incidence that the aforesaid effort has been originated purposefully from the end of the persons having mollified intention to suppress the truth by jeopardizing my life and depriving myself from the democratic right and liberty as granted by the constitution of our country to the citizen.

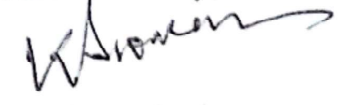
I state further that the information sought does not fall within the restriction contained in section 6 of the Act and to the best of my knowledge and as per the direction of the Under Secretary, Election Commissioner of India vide letter no. 4/RTI/Gen/2006/JS-11/989 dated 07.04.2006 the aforesaid information pertain to your office. Postal order for Rs. 10/= towards the application fees alongwith other documents are enclosed herewith for your consideration and necessary action.

I shall be free from anxiety and remain grateful to you if you kindly provide me true information as stated hereabove at your earliest convenient date.

Thanking you.

Place : Raiganj  
Date : 22<sup>nd</sup> May, 2006.

Yours faithfully,



(K.P. Sarkar)

- Encl. 1) Xerox copy of notice u/s 22 of R.P. Act, Memo no. 1512(20)/ERO dt. 31.10.05.  
2) Xerox copy of the letter no. 4/RTI/Gen/2006/JS-11/989 dt. 07.04.06 from ECI.  
3) Indian Postal order no. 55E 875915 dt. 22.03.06 for Rs. 10/=.



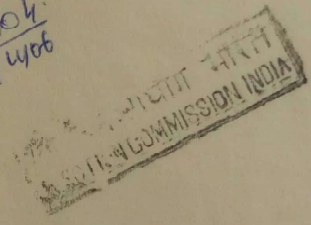
To,

भारत सरकार सेवार्थ  
**ON INDIA GOVERNMENT SERVICE**

रजिस्टर्ड ए.डी.  
REGISTERED A.D.

Sh. Krishapada Sarkar,  
c/o M/S K.P. Sarkar & Co.,  
1 no, Rice mill campus,  
Raiganj. W.B.

AD - 604  
87/4/06



If undelivered please return to :  
**ELECTION COMMISSION OF INDIA**  
Nirvachan Sadan, Ashoka Road  
New Delhi-110001

*From-*

Krishnapada Sarkar  
M/s, K.P.Sakar & Co.  
1 No. Mill Campus,  
Nisith Sarani, Raiganj-733134,  
Uttar Dinajpur, West Bengal

Mob: 9434052704 / 9475529296  
E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

Ref.KPS/C/EC/ 01 /2020-21

Date: 17.03.2021

To,  
**The Chief Election Commissioner India,  
Election Commission of India,  
Nirbachan Sadan, Ashoka Road, New Delhi- 110001.**

Sir,

**Sub: Necessary Information about public servants having back ground of controversial role, corruption, ineligibility, inefficiency, abuse of power during the course of holding charges of the public offices for keeping outside from administration involved in the process of conducting free and fair election to save democracy of the country as well as image and dignity of the office Election commission.**

The undersigned, Krishna Pada Sarkar, is a Chartered Accountant carrying on his profession as a proprietor of the firm under the name and style of M/s. K. P. Sarkar & Co. at and from 1 No Mill Campus, Nishith Sarani, P. O. & P. S. –Raiganj, Dist Uttar Dinajpur. The instant letter along with the certain self speaking documents addressed to your good office is with the intent to unvail certain corruption, unscrupulous attitude and bureaucratic deceitful and controversial actions taken by the then District Magistrates and other public officials for developing a false and baseless case No GR-623/2001/(TR-2/2010) in the year 2001 in order to hide the truth behind the alleged scam of fund granted by Ministry of Health and Family Welfare, Government of India during the year 1995 to 2001. The aforesaid case was developed and kept as subjudice for twenty years violating section 119, 120B, 166, 167, 191, 192, 193, 195, 196, 204, 211,

217, 218, 220, 383 and 389 of Indian Penal Code, section 7 & 13 of the Prevention of Corruption Act, Article 14, 19, 21, 149, 150 & 151 of the Constitution of India and GFR-150 and 151, guideline, recommendations of the GOI and C & AG for audit and accounts of granted fund.

It is to be stated that Mr Aariz Aftab, I.A.S, the then District Magistrate, District Vigilance officer, District Election Officer, Chairman of District Leprosy Society and other Societies of the Uttar Dinajpur District for the period from 28.06.2001 to 11.10.2003, presently in the charge of the Chief Electoral officer of the State of West Bengal under whose signature, recommendation and administration the aforesaid false and unlawful case was developed and accordingly he knows very well for what purpose and circumstances he made abused of his power for aforesaid wrongful prosecution. Further, unlawful vigilance enquiry order issued on 30.04.2001 by his immediate predecessor District Magistrate/ District Vigilance Officer was also not free from this question of non application of mind in discharging their duties or conscious effort to hide the crime thereon.

It is also to be stated that in aforesaid case, the undersigned, accused No- 3, has been acquitted with other accused on 26.06.2020 as per the judgement of the court of Ld. Additional District & Sessions Judges, 1<sup>st</sup> court, Raiganj, Uttar Dinajpur after twenty years long legal battle from the court of SDJM, Raiganj to the Hon`ble Apex Court.

That the undersigned has reasonable ground to believe that the order of the judgement passed on 26.06.2020 for acquittal of the accused of aforesaid case is not free from the influence of the powerful bureaucrats whose desire was to deny justice for keeping their crimes under the carpet for ever. However at unavoidable circumstances ultimately the aforesaid judgement was given after twenty years by taking certain unlawful

dramatic measure carefully to shield the crime of the public servants involved in this wrongful prosecution as stated here above. Accordingly, the undersigned has filed a petition for rectification of the order of the judgement passed on 26.06.2020 considering controversial, contradictory, unlawful and foul playing role on the part of the then District Magistrate/ District Vigilance Officer/Chairman of that Leprosy Society in support of the unscrupulous, deceitful and corrupt action of the subordinate officials of the districts during course of discharging of responsibility thereon.

In view of the above facts and documents enclosed herewith as stated in details in Annexure-I for your kind consideration of the circumstances, it is humbly urged to you and to your good office for investigation and examination of the case for the purpose of taking appropriate steps for keeping public servant having controversial and corrupt background outside from administration involved in the process of conducting free and fair election of the state and to save democracy of the country as well as image and dignity of the office of Election Commission or to give necessary direction in this regard whatever your honor consider fit and proper .

Thanking you

Yours Sincerely



(Krishnapada Sarkar)

Copy Forward for Information To:

1. Mr. Sudeep Jain, Dy. Election Commissioner,  
ECI, Nirbachan, Ashoka Road, New Delhi - 110001.
2. The Chief Electoral Officer, West Bengal,  
21, N. S. Road, Kolkata-700001,
3. The District Election Officer & District Magistrate, Uttar  
Dinajpur, Karnajora, Raiganj, Dist Uttar Dinajpur.

**ANNEXURE -I****LIST OF DOCUMENT ENCLOSED**

- A) Copy of the order of the judgement, dated 26.06.2020,  
TR Case No-02 of 2010 Corresponding GR Case No-623/2001.
- B) Copy of the order No 85, dated 24.06.2020,  
TR Case No-02 of 2010 / GR Case No-623/2001.
- C) Copy of the Petition filed before Ld. ADSJ court, dated 05.02.2021.  
TR Case No-02 of 2010 / GR Case No-623/2001.
- D) Copy of the Petition filed before Ld. ADSJ court, dated 24.06.2020.  
Order No 84 & 83 of TR Case No-02 of 2010 / GR Case No-623/2001.
- E) Copy of the Petition filed before Ld. ADSJ court, dated 25.03.2019  
And order No 59 of TR Case No-02 of 2010 / GR Case No-623/2001.
- F) Copy of the Petition filed before Ld. ADSJ court, dated 20.01.2018  
and Order No 60 of TR Case No-02 of 2010 / GR Case No-623/2001.
- G) Copy of the order of The Supreme Court of India along with question  
of law raised thereon in S.L.P, in 2004, GR Case No-623/2001.
- H) Correspondence with the ECI & DEO in 2006.
- I) (i) Letters with MOH & FW, GOI in the year 2006.  
(ii) Letters with MOH & FW, GOI in the year 2018 and 28.11.2018.
- J) Letters to the District Magistrate & Other Documents includes copy of  
DVO enquiry order, Counter Affidavit given to Apex Court, FIR,  
Appointment Letter/Balance Sheet/ Cheque signed by DM/Chairman &  
copy of guideline/books for duties and responsibility of auditors and  
management of the entity.



Krishnapada Sarkar &lt;kpsarkarco@gmail.com&gt;

---

**Elimination of controversial Public servant from Election duties**

1 message

---

**Krishnapada Sarkar** <kpsarkarco@gmail.com>  
To: cec@eci.gov.in, decsj@eci.gov.in

Wed, Mar 17, 2021 at 11:04 PM

Please go through the attachments.

With Regards,

CA K.P. Sarkar,  
M/s K.P. Sarkar & Co.  
Nishith Sarani, Raiganj,  
Uttar Dinajpur.  
M- 9434052704

 **CEC.rar**



Krishnapada Sarkar &lt;kpsarkarco@gmail.com&gt;

---

**Elimination of controversial Public servant from Election duties**

1 message

---

**Krishnapada Sarkar** <kpsarkarco@gmail.com>  
To: cec@eci.gov.in, decsj@eci.gov.in

Wed, Mar 17, 2021 at 11:10 PM

Please go through the attachments.

With Regards,

CA K.P. Sarkar,  
M/s K.P. Sarkar & Co.  
Nishith Sarani, Raiganj,  
Uttar Dinajpur.  
M- 9434052704

 **Annexure - 1 (A).pdf** **Annexure - 1 (B).pdf** **Annexure - 1 (C).pdf** **Annexure - 1 (D).doc** **Annexure - 1 (E).pdf** **Annexure - 1 (F).pdf** **Annexure - 1 (G).pdf** **Annexure - 1 (H).pdf** **Annexure - 1 (I)(i).pdf** **Annexure - 1 (I)(ii).pdf** **Letter - 1.pdf**



Krishnapada Sarkar &lt;kpsarkarco@gmail.com&gt;

---

**Elimination of controversial Public servant from Election duties**

2 messages

---

**Krishnapada Sarkar** <kpsarkarco@gmail.com>  
To: election.ud@gmail.com

Thu, Mar 18, 2021 at 11:41 AM

Please go through the attachments.

With Regards,

CA K.P. Sarkar,  
M/s K.P. Sarkar & Co.  
Nishith Sarani, Raiganj,  
Uttar Dinajpur.  
M- 9434052704

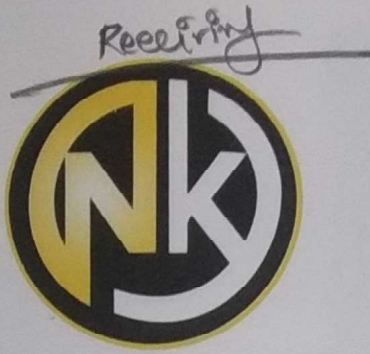
 **CEC.rar**

---

**Krishnapada Sarkar** <kpsarkarco@gmail.com>  
To: dm-rgj-wb@gov.in

Thu, Mar 18, 2021 at 11:45 AM

[Quoted text hidden]



## KHAN LEGAL SOLICITOR FIRM

Ref. No. : KLSF/736/2024

Date. : 05/02/2024

To

The Chief Election Commissioner

Nirvachan Sadan, Ashoka Road

New Delhi- 110001

**Sub: Complaint against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against my client when he was the District Magistrate of Uttar Dinajpur by implicating him in a criminal case in which he has been finally acquitted.**

**My Client: Krishnapada Sarkar, son of Late Gourpada Sarkar, aged about 67 years, by occupation- Chartered Accountant, proprietor of K.P. Sarkar & Co. having its office at Nisith Sarani, Raiganj, Post Office and Police Station- Raiganj, District- Uttar Dinajpur, West Bengal- 733134.**

Sir,

I am concerned on behalf of my client named above and under his instruction address your good office which is as follows:

1. That my client named above was implicated in a criminal case detailed T.R. Case No. 02/2010 corresponding to GR Case Number 623/2001 under Sections 467/468/471/477A/120B/420/409 of the Indian Penal Code, 1860. But ultimately vide Judgment dated 26th June, 2020 passed by the Court of Learned Additional Sessions Judge, 1st Court-cum-Judge Special Court (NDPS ACT), Raiganj, my client was acquitted in the said case.
2. That although my client has been acquitted in the said criminal case, he had to go through immense hardship, mental harassment and suffered a huge blow to his reputation as result of the a sham

191, C. R. Avenue, Girish Park, Kolkata-700 007  
(Near Bandhan Bank)  
E-mail : legalfirmkhan@gmail.com  
Contact : 033-2268-0297, 8274961793, 3335969000



EM004394314IN ITR:6987004394314  
 SP BARBADAZAR H O (700007)  
 Counter No:5,07/02/2024,13:32  
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 PIN:700001, KOLKATA GPO  
 From:WAZIA ELAHI,191 C R AVENUE  
 Wt:30gms  
 Amt:17.70(Cash)Tax:2.70

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
 Dial 18002666888 <Wear Masks, Stay Safe>



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 SP BARBADAZAR H O (700007)  
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 From:WAZIA ELAHI,191 C R AVENUE  
 Wt:30gms  
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<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
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 PIN:110001, New Delhi GPO  
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 Wt:30gms  
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<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

POSTAL TELEGRAPH OFFICE  
 PIN:110022, Sarojini Nagar HO  
~~www.indiapost.gov.in/814-814-814~~



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 PIN:110022, Sarojini Nagar HO  
 From:WAZIA ELAHI,191 C R AVENUE  
 Wt:30gms  
 Amt:41.30(Cash)Tax:6.30

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
 Dial 18002666888 <Wear Masks, Stay Safe>



## KHAN LEGAL SOLICITOR FIRM

Ref. No. : KLSF/736/2024

Date. : 05/02/2024

- investigation and the criminal proceeding into the said alleged scam to the tune of Rs. 7, 15, 820/- (as per the confirmation of the Local Audit Team which is flimsy as it is based on post-audit built-up document) which went on for 20 long years.
3. That my client strongly contends that one Dr. Aariz Aftab, a 1991 batch I.A.S. officer of West Bengal Cadre who was the then District Magistrate (DM) as well as the Chairman of the District Leprosy Society and the District Vigilance Officer (DVO) of Uttar Dinajpur is behind the conspiracy of which my client is a prey and sufferer. It is to be noted that the same person is the incumbent of the post of the Chief Electoral Officer of the state of West Bengal.
  4. That my client is of equally strong contention that the investigation carried out by the Investigating Officer (IO) belonging to the Anti-Corruption and Vigilance which resulted into filing of the Charge Sheet was nothing but a sham investigation made as a result of the vigilance inquiry initiated by the above named DVO-cum-DM, Uttar Dinajpur in the wake of the news of corruption and mismanagement of Uttar Dinajpur District Health Department published in the local newspapers during 1999-2000.
  5. That my client further states that the said investigation which was carried out by the IO of the Anti-Corruption and Vigilance Unit and the 3-member Local Audit Team all of whom were actually subordinate to the DVO-cum-DM and working under his supervision as well as was also member of the said Society, whose independence, competency and technical knowhow about audit and accounts is questionable.
  6. That it is also contended by my client that the DM who also happened to be the Chairman of the said Society as mentioned earlier was not made an accused person or party to the said investigation despite the

191, C. R. Avenue, Girish Park, Kolkata-700 007  
(Near Bandhan Bank)  
E-mail : legalfirmkhan@gmail.com  
Contact : 033-2268-0297, 8274961793, 3335969000



## KHAN LEGAL SOLICITOR FIRM

Ref. No. : KLSF/736/2024

Date. : 06/02/2024

fact that he has jointly executed all the cheques for making any payment and authenticated all documents along with the Chief Medical Officer of Health (CMOH) who also happens to be the Member Secretary of the said society who was made an accused person (originally the complainant of the said case). It is pertinent to highlight herein that the same DM was also the DVO under whose direction and instruction the said case has been initiated and carried to conclusion which brings to the fore the conflict of interest angle in the abovementioned case.

7. That my client has also contend that a post-audit built-up document which is the a cash register prepared in May, 2001 for creating a false case was juxtaposed with the cash book which is part of proper books of accounts prepared before audit as per law, points out to the illegality and inappropriate nature of the investigation.
8. That my client further points out that there has been a violation of his natural justice as he has neither been heard nor given an opportunity of being heard by the IO before concluding the said investigation that was carried out under the instruction of the then DVO-cum-DM, Uttar Dinajpur.
9. That the said erstwhile DM of Uttar Dinajpur named above, namely Dr. Aariz Aftab is now the Chief Electoral Officer of West Bengal who is responsible for supervision of election work and ensuring free and fair election in the state. It becomes clear from the above stated facts the said person was behind the development of the unlawful and false case against my client which was done to brush under the carpet and hide the acts of corruption done by many bureaucrats and other public servants.
10. That it is a matter of utmost concern for the entire state of West Bengal where democracy is in serious threat that a person with such

---

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(Near Bandhan Bank)  
E-mail : [legalfirmkhan@gmail.com](mailto:legalfirmkhan@gmail.com)  
Contact : 033-2268-0297, 8274961793, 3335969000



## KHAN LEGAL SOLICITOR FIRM

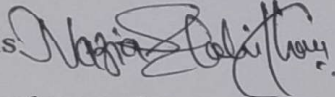
Ref. No. : KLSF/736/2024

Date. : 06/02/2024

record of implicating innocent individuals has been entrusted with election work and conducting free and fair election.

11. Therefore, in such circumstances it is prayed that an inquiry is opened against the said individual for his involvement in the implication of my client in a false criminal case for which he has to suffer for 20 long years and other necessary action/s is taken.

Hence I request your good office to do the needful and oblige me.

With kind regards 

Thanking you in advance for your sincere efforts

Copy to: The Central Vigilance Commissioner

The State Vigilance Commissioner

The Chief Electoral Officer, West Bengal



191, C. R. Avenue, Girish Park, Kolkata-700 007  
(Near Bandhan Bank)  
E-mail : legalfirmkhan@gmail.com  
Contact : 033-2268-0297, 8274961793, 3335969000



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\* Consignment Number

EW004394325IN

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#### Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
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10/02/2024	09:59:53	New Delhi GPO	Out for Delivery
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10/02/2024	05:10:05	New Delhi NSH	Item Dispatched
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07/02/2024	21:50:11	Kolkata NSH	Item Received
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07/02/2024	13:32:42	Barabazar H O	Item Booked

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## KHAN LEGAL SOLICITOR FIRM

Ref. No. : KLSF/745/2024

Date. : 08/02/2024

To

The Chief Election Commissioner

Nirvachan Sadan, Ashoka Road

New Delhi- 110001

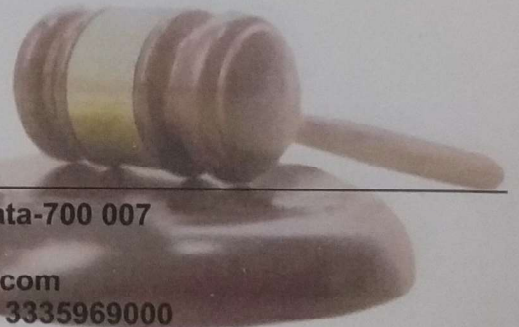
**SUB: Reminder in order to dispose of the complaint dated 6<sup>th</sup> February, 2024 bearing Ref. No.: KLSF/736/2024 against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against my client when he was the District Magistrate of Uttar Dinajpur by implicating him in a criminal case in which he has been finally acquitted.**

**My Client: Krishnapada Sarkar, son of Late Gourpada Sarkar, aged about 67 years, by occupation- Chartered Accountant, proprietor of K.P. Sarkar & Co. having its office at Nisith Sarani, Raiganj, Post Office and Police Station- Raiganj, District- Uttar Dinajpur, West Bengal- 733134.**

Sir,

I am concerned on behalf of my client named above and under his instruction address your good office which is as follows:

1. That vide a complaint dated 6<sup>th</sup> February, 2024 bearing Ref. No.: KLSF/736/2024 against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against my client when he was the District Magistrate of Uttar Dinajpur by implicating him in a criminal case in which he has been finally acquitted has been served upon your good office.



191, C. R. Avenue, Girish Park, Kolkata-700 007  
(Near Bandhan Bank)

E-mail : legalfirmkhan@gmail.com

Contact : 033-2268-0297, 8274961793, 3335969000

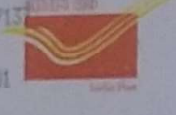
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Airt:41.30(Cash)Tax:1.30  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
(Dial 18002666868) (Wear Masks, Stay Safe)



EW004371113N ITR:696700437113  
SP BARBAZAR H O (700007)  
Counter No:5,08/02/2024,19:01  
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Airt:17.70(Cash)Tax:2.70  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
(Dial 18002666868) (Wear Masks, Stay Safe)



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FDN:110023, Sarojini Nagar HD  
From:NAZIA ELAHI,191 C R AVENUE  
Wt:20gms  
Airt:41.30(Cash)Tax:1.30  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
(Dial 18002666868) (Wear Masks, Stay Safe)



EW004371451N ITR:696700437145  
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FDN:700091, Sech Bhowan SO  
From:NAZIA ELAHI,191 C R AVENUE  
Wt:20gms  
Airt:17.70(Cash)Tax:2.70  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
(Dial 18002666868) (Wear Masks, Stay Safe)





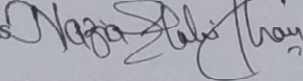
## KHAN LEGAL SOLICITOR FIRM

Ref. No. : KLSF/745/2024

Date. : 08/02/2024

2. That the said complaint details the sham investigation carried out under the supervision of the above named person which gave rise to a criminal case where my client was implicated for which he had to suffer for 20 long years until finally acquitted.
3. That till date no reply has been received from your good office and in such circumstances I am serving upon your good office this reminder for disposing of the complaint made on behalf of my client by opening an inquiry against the said individual for his involvement in the implication of my client in a false criminal case and take other necessary action/s.

Hence I request your good office to do the needful and oblige me.

With kind regards 

Thanking you in advance for your sincere efforts

Copy to: The Central Vigilance Commissioner

The State Vigilance Commissioner, West Bengal

The Chief Electoral Officer, West Bengal



191, C. R. Avenue, Girish Park, Kolkata-700 007  
(Near Bandhan Bank)  
E-mail : legalfirmkhan@gmail.com  
Contact : 033-2268-0297, 8274961793, 3335969000

From-

Krishnapada Sarkar  
M/s, K.P.Sarkar & Co.  
1 No. Mill Campus,  
Nitish Sarani, Raiganj-733134,  
Uttar Dinajpur, West Bengal

Mob: 9434052704/9475529296  
E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

Receiving

Date - 16/02/2024

To

The Chief Election Commissioner

Election Commission of India

Nirvachan Sadan, Ashoka Road

New Delhi- 110001

**Sub: Complaint against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against me when he was the District Magistrate of Uttar Dinajpur by implicating him in a criminal case in which I has been finally acquitted.**

Sir,

I Krishnapada Sarkar, son of Late Gourpada Sarkar, aged about 67 years, by occupation- Chartered Accountant, proprietor of K.P. Sarkar & Co. having its office at Nisith Sarani, Raiganj, Post Office and Police Station- Raiganj, District- Uttar Dinajpur, West Bengal- 733134 would like to address your good office which is as follows:

1. That I named above was implicated in a criminal case detailed T.R. Case No. 02/2010 corresponding to GR Case Number 623/2001 under Sections 467/468/471/477A/120B/420/409 of the Indian Penal Code, 1860. But ultimately vide Judgment dated 26th June, 2020 passed by the Court of Learned Additional Sessions Judge, 1st Court-cum-Judge Special Court (NDPS ACT), Raiganj, I have been acquitted in the said case.
2. That although I have been acquitted in the said criminal case, I had to go through immense hardship, mental harassment and suffered a huge blow to my reputation as result of the a sham investigation and the criminal proceeding into the said alleged scam to the tune of Rs. 7, 15, 820/- (as per the confirmation of the Local Audit Team which is flimsy as it is based on post-audit built-up document) which went on for 20 long years.
3. That I strongly contend that one Dr. Aariz Aftab, a 1991 batch I.A.S. officer of West Bengal Cadre who was the then District Magistrate (DM)

EM004455373IN ITR:698700445525



SP BARABAZAR H O (700007)

Counter No:2,16/02/2024,19:17

To:THE CHIEF ELE,WEST BENGAL, HO

Pin:700001, KOLKATA GPO

From:KRISHNAPADA,1, HO, MILL CAMP

Wt:25gms

Amt:17.70(Cash)Tax:2.70

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

<Dial 18002666868> (Wear Masks, Stay Safe)

EM004455373IN ITR:698700445525



SP BARABAZAR H O (700007)

Counter No:2,16/02/2024,19:17

To:THE CENTRAL V,SATARKATA BHOWAN

Pin:110023, Sarojini Nagar HO

From:KRISHNAPADA,1, HO, MILL CAMP

Wt:25gms

Amt:41.30(Cash)Tax:6.30

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

<Dial 18002666868> (Wear Masks, Stay Safe)

EM004455245IN ITR:698700445525



SP BARABAZAR H O (700007)

Counter No:2,16/02/2024,19:17

To:THE STATE VIG,MR BIKASH BHOWAN

Pin:700091, Sech Bhowan SO

From:KRISHNAPADA,1, HO, MILL CAMP

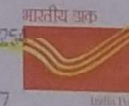
Wt:25gms

Amt:17.70(Cash)Tax:2.70

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

<Dial 18002666868> (Wear Masks, Stay Safe)

EM004455254IN ITR:698700445525



SP BARABAZAR H O (700007)

Counter No:2,16/02/2024,19:17

To:THE CHIEF ELE,AGARWA ROAD

Pin:110001, New Belhi GPO

From:KRISHNAPADA,1, HO, MILL CAMP

Wt:25gms

Amt:41.30(Cash)Tax:6.30

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

<Dial 18002666868> (Wear Masks, Stay Safe)

From-  
Krishnapada Sarkar  
M/s, K.P.Sarkar & Co.  
1 No. Mill Campus,  
Nitish Sarani, Raiganj-733134,  
Uttar Dinajpur, West Bengal

Mob: 9434052704/9475529296  
E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

as well as the Chairman of the District Leprosy Society and the District Vigilance Officer (DVO) of Uttar Dinajpur was behind the conspiracy of which I am prey and sufferer. It is to be noted that the same person is the incumbent of the post of the Chief Electoral Officer of the state of West Bengal.

4. That I am of the equally strong contention that the investigation carried out by the Investigating Officer (IO) belonging to the Anti-Corruption and Vigilance which resulted into filing of the Charge Sheet was nothing but a sham investigation made as a result of the vigilance inquiry initiated by the above named DVO-cum-DM, Uttar Dinajpur in the wake of the news of corruption and mismanagement of Uttar Dinajpur District Health Department published in the local newspapers during 1999-2000.
5. That I further states that the said investigation which was carried out by the IO of the Anti-Corruption and Vigilance Unit and the 3-member Local Audit Team all of whom were actually subordinate to the DVO-cum-DM and working under his supervision as well as was also member of the said Society, whose independence, competency and technical knowhow about audit and accounts is questionable.
6. That I also contend that the DM who also happened to be the Chairman of the said Society as mentioned earlier was not made an accused person or party to the said investigation despite the fact that he has jointly executed all the cheques for making any payment and authenticated all documents along with the Chief Medical Officer of Health (CMOH) who also happens to be the Member Secretary of the said society who was made an accused person (originally the complainant of the said case). It is pertinent to highlight herein that the same DM was also the DVO under whose direction and instruction the said case has been initiated and carried to conclusion which brings to the fore the conflict of interest angle in the abovementioned case.
7. That I am also of the contention that a post-audit built-up document which is the a cash register prepared in May, 2001 for creating a false case was juxtaposed with the cash book which is part of proper books of accounts prepared before audit as per law, points out to the illegality and inappropriate nature of the investigation.

From-

Krishnapada Sarkar  
M/s, K.P.Sarkar & Co.  
1 No. Mill Campus,  
Nitish Sarani, Raiganj-733134,  
Uttar Dinajpur, West Bengal

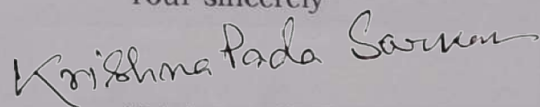
Mob: 9434052704/9475529296  
E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

---

8. That I further point out that there has been a violation of his natural justice as he has neither been heard nor given an opportunity of being heard by the IO before concluding the said investigation that was carried out under the instruction of the then DVO-cum-DM, Uttar Dinajpur.
9. That the said erstwhile DM of Uttar Dinajpur named above, namely Dr. Aariz Aftab is now the Chief Electoral Officer of West Bengal who is responsible for supervision of election work and ensuring free and fair election in the state. It becomes clear from the above stated facts the said person was behind the development of the unlawful and false case against me which was done to brush under the carpet and hide the acts of corruption done by many bureaucrats and other public servants.
10. That it is a matter of utmost concern for the entire state of West Bengal where democracy is under serious threat and has become infamous for poll violence that a person with such record of implicating innocent individuals has been entrusted with election work and conducting free and fair election.
11. Therefore, in such circumstances it is prayed that an inquiry is opened against the said individual for his involvement in the implication on me in a false criminal case for which he has to suffer for 20 long years and other necessary action/s is taken.

Thanking you

Your sincerely



(Krishnapada Sarkar)

Copy to: The Central Vigilance Commissioner

The State Vigilance Commissioner, West Bengal



## KHAN LEGAL SOLICITOR FIRM

Ref. No. : KLSF/1800/2024

Date. : 20/03/2024

To

Dilip Kumar Mahto Ji

The Under Secretary to the Government of India

Election Commission of India

Nirvachan Sadan, Ashoka Road

New Delhi- 110001

**SUB: Reply to the letter dated 15<sup>th</sup> March, 2024 bearing No. 39/WB/ES-II/2024/9057 sent by your good office.**

**My Client: Krishnapada Sarkar, son of Late Gourpada Sarkar, aged about 67 years, by occupation- Chartered Accountant, proprietor of K.P. Sarkar & Co. having its office at Nisith Sarani, Raiganj, Post Office and Police Station- Raiganj, District- Uttar Dinajpur, West Bengal- 733134.**

Sir,

I am concerned on behalf of my client named above and under his instruction address your good office which is as follows:

1. That this is in reference to the letter dated 15th March, 2024 bearing No. 39/WB/ES-II/2024/9057 addressed by your good office received by my client and a copy of which has also been served upon me.
2. That in the said letter your good office has stated that "the subject matter raised in your complaints is not under the purview of Election Commission".
3. That I vehemently oppose such unfounded grounds for dismissing my client's genuine complaint. It is my contention that the Election Commission of India (ECI) is implicitly connected with the said matter

191, C. R. Avenue, Girish Park, Kolkata-700 007  
(Near Bandhan Bank)  
E-mail : legalfirmkhan@gmail.com  
Contact : 033-2268-0297, 8274961793, 3335969000

भारत

EW004481767IN IWR:6987004481767  
SF BARABAZAR H O (700007)  
Counter No:2,20/03/2024,18:12  
To:THE CHIEF ELE,NEST BENGAL HOME  
PIN:700001, KOLKATA GPO  
From:NAZIA ELAHI,191 C R AVENUE

Wt:24gms  
Amt:17.70(Cash)Tax:2.70  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))

भारतीय डाक



India Post

EW004481719IN IWR:6987004481719  
SF BARABAZAR H O (700007)  
Counter No:2,20/03/2024,18:12  
To:THE DILIP KUM,THE UNDER SECRET  
PIN:110001, New Delhi GPO  
From:NAZIA ELAHI,191 C R AVENUE

Wt:23gms  
Amt:41.30(Cash)Tax:6.30  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
(Dial 18002666868) (Wear Masks, Stay Safe)

भारतीय डाक



India Post

EW004481722IN IWR:6987004481722  
SF BARABAZAR H O (700007)  
Counter No:2,20/03/2024,18:12  
To:THE CENTRAL V,SATARKTA KHANNA  
PIN:110003, Sarojini Nagar HO  
From:NAZIA ELAHI,191 C R AVENUE

Wt:24gms  
Amt:41.30(Cash)Tax:6.30  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
(Dial 18002666868) (Wear Masks, Stay Safe)

भारतीय डाक



India Post

EW004481736IN IWR:6987004481736  
SF BARABAZAR H O (700007)  
Counter No:2,20/03/2024,18:12  
To:THE CHIEF ELE,MIRJACHAN SADAN  
PIN:110001, New Delhi GPO  
From:NAZIA ELAHI,191 C R AVENUE

Wt:24gms  
Amt:41.30(Cash)Tax:6.30  
(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
(Dial 18002666868) (Wear Masks, Stay Safe)



## KHAN LEGAL SOLICITOR FIRM

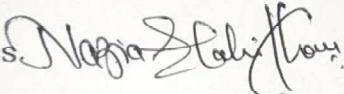
Ref. No. : KLSF/800/2024

Date. : 20/03/2024

and the Chief Electoral Officer being the representative of the ECI and therefore is directly responsible to it.

4. That is also pertinent to mention herein that the Model Code of Conduct being in force throughout India, the ECI has every power to take up the matter to itself by invoking its suo motu jurisdiction in order to ensure free and fair election.
5. That the ECI has recently removed the Home Secretaries of six states, West Bengal DGP Rajiv Kumar ahead of the upcoming Lok Sabha elections this year scheduled for April and May, 2024.
6. Therefore, in such circumstances I urge your good office to take necessary action in order to remove the said Chief Electoral Officer of West Bengal or any other appropriate step/s so that free and fair elections are ensured in the state of West Bengal.

Hence I request your good office to do the needful and oblige me.

With kind regards 

Thanking you in advance for your sincere efforts

Copy to: The Chief Election Commissioner of India

The Central Vigilance Commissioner

✓ The State Vigilance Commissioner, West Bengal

The Chief Electoral Officer, West Bengal

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191, C. R. Avenue, Girish Park, Kolkata-700 007  
(Near Bandhan Bank)  
E-mail : legalfirmkhan@gmail.com  
Contact : 033-2268-0297, 8274961793, 3335969000



---

**Reply to the letter dated 15th March, 2024 bearing No. 39/WB/ES-II/2024/9057 sent by your good office**

1 message

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**Khan Legalfirm** <legalfirmkhan@gmail.com>  
To: directorit-cvc@gov.in


Wed, Mar 20, 2024 at 7:08 PM

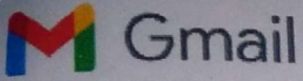
Sir,

A letter dated 20th March, 2024, bearing Ref. No. KLSF/800/2024 has been attached with this email for your information and necessary action.

With kind regards  
Thanking you in advance for your sincere efforts  
Nazia Elahi Khan

---

 **KLSF\_800\_2024 ( The Centre Vigilance Commissioner ).pdf**  
850K



Khan Legalfirm <legalfirmkhan@gmail.com>

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**Reply to the letter dated 15th March, 2024 bearing No. 39/WB/ES-II/2024/9057 sent by your good office**

1 message

Wed, Mar 20, 2024 at 7:07 PM

**Khan Legalfirm** <legalfirmkhan@gmail.com>

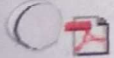
To: ceo-election-wb@nic.in

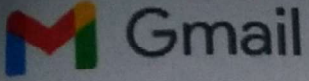
Sir,

A letter dated 20th March, 2024, bearing Ref. No. KLSF/800/2024 has been attached with this email for your information and necessary action.

With kind regards  
Thanking you in advance for your sincere efforts  
Nazia Elahi Khan

---

 **KLSF\_800\_2024 (The Chief Electoral Officer, West Bengal).pdf**  
853K



Khan Legalfirm <legalfirmkhan@gmail.com>

**Reply to the letter dated 15th March, 2024 bearing No. 39/WB/ES-II/2024/9057 sent by your good office**

1 message



**Khan Legalfirm** <legalfirmkhan@gmail.com>  
To: cec@eci.gov.in

Wed, Mar 20, 2024 at 7:09 PM

Sir,

A letter dated 20th March, 2024, bearing Ref. No. KLSF/800/2024 has been attached with this email for your information and necessary action.

With kind regards  
Thanking you in advance for your sincere efforts  
Nazia Elahi Khan

  **KLSF\_800\_2024 (The chief Election commissioner of India).pdf**  
838K



भारत निर्वाचन आयोग  
**ELECTION COMMISSION OF INDIA**

**By Speed Post/E-mail**

निर्वाचन सदन,  
अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan,  
Ashoka Road, New Delhi-110001

No. 39/WB/ES-II/2024

19057

Dated: 15<sup>th</sup> March, 2024

To

Sh. Krishnapada Sarkar  
M/s, K.P.Sarkar & Co.  
1 No. Mill Campus,  
Nitish Sarani, Raiganj,  
Uttar Dinajpur, West Bengal- 733134

Subject: - Complaint against Dr. Aariz Aftab, 1991 batch I.A.S. Officer of West Bengal Cadre-reg.

Sir,

I am directed to refer to your representations dated 16.02.2024, 22.02.2024 & 26.02.2024 and representations received from your counsel dated 06.02.2024 & 08.02.2024 on the subject cited and to state that the subject matter raised in your complaints is not under the purview of Election Commission. However, you are free to approach the appropriate forum for the same.

Yours faithfully,

**(DILIP KUMAR MAHTO)**  
**UNDER SECRETARY**

Copy to:-

Nazia Elahi Khan,  
Khan Legal Solicitor Firm  
191, Chittaranjan Avenue,  
Kolkata, West Bengal- 700007

Receiving

Date-26.2.24

From-  
Krishnapada Sarkar  
M/s, K.P.Sarkar & Co.  
1 No. Mill Campus,  
Nitish Sarani, Raiganj-733134,  
Uttar Dinajpur, West Bengal

Mob: 9434052704/9475529296  
E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

To

The Chief Election Commissioner

Nirvachan Sadan, Ashoka Road

New Delhi- 110001

**SUB: Second reminder in order to dispose of my complaint dated 16<sup>th</sup> February, 2024 against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against me when he was the District Magistrate of Uttar Dinajpur by implicating him in a criminal case in which I have been finally acquitted.**

Sir,

I Krishnapada Sarkar, son of Late Gourpada Sarkar, aged about 67 years, by occupation- Chartered Accountant, proprietor of K.P. Sarkar & Co. having its office at Nisith Sarani, Raiganj, Post Office and Police Station- Raiganj, District- Uttar Dinajpur, West Bengal- 733134 would like to address your good office which is as follows:

1. That vide a complaint dated 16th February, 2024 against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against me when he was the District Magistrate of Uttar Dinajpur by implicating me in a criminal case in which I have been finally acquitted has been served upon your good office.
2. That the said complaint details the sham investigation carried out under the supervision of the above named person which gave rise

EW4421942192IN IWR:69374421942

SP BARABAZAR H O (700007)

Counter Nos:2,26/02/2024,18:44

To:THE CHIEF ECE,.

PIN:110001, New Delhi GPO

From:APARNA DAS,W/O AMIT DAS

Wt:20gms

Amt:41.30(Cash)Tax:6.30

(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))

(Dial 18002666868) (Wear Masks, Stay Safe)

भारतीय डाक



India Post

EW4421942011IN IWR:69374421942

SP BARABAZAR H O (700007)

Counter Nos:2,26/02/2024,18:44

To:THE CENTRAL V,.

PIN:110023, Sarojini Nagar HO

From:APARNA DAS,W/O AMIT DAS

Wt:20gms

Amt:41.30(Cash)Tax:6.30

(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))

(Dial 18002666868) (Wear Masks, Stay Safe)

भारतीय डाक



India Post

EW4421941921IN IWR:69374421941

SP BARABAZAR H O (700007)

Counter Nos:2,26/02/2024,18:44

To:THE STATE VSG,.

PIN:700001, Sach Bhawan SO

From:APARNA DAS,W/O AMIT DAS

Wt:20gms

Amt:17.70(Cash)Tax:2.70

(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))

(Dial 18002666868) (Wear Masks, Stay Safe)

भारतीय डाक



India Post

EW4421941891IN IWR:69374421941

SP BARABAZAR H O (700007)

Counter Nos:2,26/02/2024,18:44

To:THE CHIEF ELECTORAL OFFICER,WB

PIN:700001, KOLKATA GPO

From:APARNA DAS,W/O AMIT DAS

Wt:20gms

Amt:17.70(Cash)Tax:2.70

(Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))

(Dial 18002666868) (Wear Masks, Stay Safe)

भारतीय डाक



India Post

From-

Krishnapada Sarkar

M/s, K.P.Sarkar & Co.

1 No. Mill Campus,

Nitish Sarani, Raiganj-733134,

Uttar Dinajpur, West Bengal

Mob: 9434052704/9475529296

E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

---

to a criminal case where I was implicated for which I had to suffer for 20 long years until finally acquitted.

3. That till date no reply has been received from your good office and in such circumstances I am serving upon your good office this second reminder for disposing of my complaint by opening an inquiry against the said individual for his involvement in the implication of myself in a false criminal case and take other necessary action/s.

Thanking you

Your sincerely

*Krishnapada Sarkar*

(Krishnapada Sarkar)

Copy to: The Central Vigilance Commissioner

The State Vigilance Commissioner, West Bengal

The Chief Electoral Officer, West Bengal



सत्यमेव जयते



केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi-10023

सं./No.....47734/2024-41707

दिनांक / Date 26.09.2024.....  
25

OFFICE MEMORANDUM

Sub: Complaint received from Krishnapada Sarkar – reg.

A copy of the complaint dated 26.02.2024 as received in the Commission from Sh. Krishnapada Sarkar on the subject cited above is sent herewith for necessary action.

  
(Puneet Meena)  
Deputy Secretary

Encl: As above.

Election Commission of India,  
Sh. Sundar Rajan, Director,  
Nirvachan Sadan, Pandit Panth Marth,  
Ashoka Road (Near Patel Chowk),  
New Delhi – 110001.

Copy to: Sh. Krishnapada Sarkar, m/s. k.p, Sarkar and CO. 1NO. Mill, Campus,  
Nitish Sarani, Raiganj, City: District: Dinajpur Uttar, State: West Bengal, Pin  
code: 733134.



Receiving

Date - 22.02.24

From-  
Krishnapada Sarkar  
M/s, K.P.Sarkar & Co.  
1 No. Mill Campus,  
Nitish Sarani, Raiganj-733134,  
Uttar Dinajpur, West Bengal

Mob: 9434052704/9475529296  
E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

To

The Chief Election Commissioner

Nirvachan Sadan, Ashoka Road

New Delhi- 110001

**SUB: Reminder in order to dispose of my complaint dated 16<sup>th</sup> February, 2024 against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against me when he was the District Magistrate of Uttar Dinajpur by implicating him in a criminal case in which I have been finally acquitted.**

Sir,

I Krishnapada Sarkar, son of Late Gourpada Sarkar, aged about 67 years, by occupation- Chartered Accountant, proprietor of K.P. Sarkar & Co. having its office at Nisith Sarani, Raiganj, Post Office and Police Station- Raiganj, District- Uttar Dinajpur, West Bengal- 733134 would like to address your good office which is as follows:

1. That vide a complaint dated 16th February, 2024 against one Dr. Aariz Aftab, 1991 batch I.A.S. officer of West Bengal Cadre who also happens to be the incumbent Chief Electoral Officer of West Bengal for conspiring against me when he was the District Magistrate of Uttar Dinajpur by implicating me in a criminal case in which I have been finally acquitted has been served upon your good office.
2. That the said complaint details the sham investigation carried out under the supervision of the above named person which gave rise

EW442180468IM IUR:6937442180468 भारतीय डाक  
SP BARABAZAR H B (700007)  
Counter No:2,22/02/2024,17:40  
To:THE STATE VIG,MB  
PIN:700091, Sech Bhawan SO  
From:KRISHNA PAD,X P SARKAR & CO  
Wt:20gms  
Amt:17.70(Cash)Tax:2.70  
<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
<Dial 18002666868> <Wear Masks, Stay Safe>

EW442181083IM IUR:6937442181083 भारतीय डाक  
SP BARABAZAR H B (700007)  
Counter No:2,22/02/2024,17:40  
To:THE CENTRAL V,  
PIN:110023, Sarojini Nagar HO  
From:KRISHNA PAD,X P SARKAR & CO  
Wt:20gms  
Amt:41.30(Cash)Tax:6.30  
<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
<Dial 18002666868> <Wear Masks, Stay Safe>

EW442181070IM IUR:6937442181070 भारतीय डाक  
SP BARABAZAR H B (700007)  
Counter No:2,22/02/2024,17:40  
To:THE CHIEF ELE,  
PIN:110001, New Delhi GPO  
From:KRISHNA PAD,X P SARKAR & CO  
Wt:20gms  
Amt:41.30(Cash)Tax:6.30  
<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
<Dial 18002666868> <Wear Masks, Stay Safe>

EW442180471IM IUR:6937442180471 भारतीय डाक  
SP BARABAZAR H B (700007)  
Counter No:2,22/02/2024,17:40  
To:THE CEO,MB  
PIN:700001, KOLKATA GPO  
From:KRISHNA PAD,X P SARKAR & CO  
Wt:20gms  
Amt:17.70(Cash)Tax:2.70  
<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
<Dial 18002666868> <Wear Masks, Stay Safe>

From-  
Krishnapada Sarkar  
M/s, K.P.Sarkar & Co.  
1 No. Mill Campus,  
Nitish Sarani, Raiganj-733134,  
Uttar Dinajpur, West Bengal

Mob: 9434052704/9475529296  
E-Mail: [kpsarkarco@gmail.com](mailto:kpsarkarco@gmail.com)

to a criminal case where I was implicated for which I had to suffer for 20 long years until finally acquitted.

3. That till date no reply has been received from your good office and in such circumstances I am serving upon your good office this reminder for disposing of my complaint by opening an inquiry against the said individual for his involvement in the implication of myself in a false criminal case and take other necessary action/s.

Thanking you

Your sincerely

*Krishna Pada Sarkar*  
(Krisnapada Sarkar)

Copy to: The Central Vigilance Commissioner

The State Vigilance Commissioner, West Bengal

The Chief Electoral Officer, West Bengal



**Calcutta High Court - Appellate side**

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**Appellate side  
Case Details**

Case Type	: WPA	Filing Date: 23-02-2024
Filing Number	: 5321/2024	Registration Date: 23-02-2024
Registration Number	: 5298/2024	
CNR Number	: <b>WBCHCA-010164-2024</b>	

**Case Status**

First Hearing Date	: 28th March 2024
Next Hearing Date	: 28th March 2024
Stage of Case	: NEW MOTION
Coram	: 265715HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
Bench	: Single Bench
State	: West Bengal
District	: DINAJPUR UTTAR
Judicial	: MANDAMUS SECTION
Causelist Name	: Daily List

**Petitioner and Advocate**

1) KRISHNAPADA @ KRISHNA PADA SARKAR Advocate- RANOJOY CHATTERJEE
--

**Respondent and Advocate**

1) ELECTION COMMISSION OF INDIA AND ORS.
--

**Acts**

Under Act(s)	Under Section(s)
NO ACT	NA

**History of Case Hearing**

Cause List Type	Judge	Business On Date	Hearing Date	Purpose of hearing
Daily List	HON'BLE JUSTICE SABYASACHI BHATTACHARYYA		28-03-2024	NEW MOTION

**Orders**

Order Number	Order on	Judge	Order Date	Order Details

**Category Details**

Category	GROUP A (WRIT MATTERS) ( 1 )
Sub Category	Residuary ( 26 )

**OBJECTION**

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	23-02-2024	All Objections are Complied	--	--

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DISTRICT: UTTAR DINAJPUR

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A. NO. 5298 OF 2024

IN THE MATTER OF:

An application under Article 226 of the  
Constitution of India.

-AND-

IN THE MATTER OF:

Krishnapada @ Krishna Pada Sarkar,  
son of Late Gourpada Sarkar, residing  
at Raiganj Tulsipara, Post Office and  
Police Station- Raiganj, District- Uttar  
Dinajpur, West Bengal, PIN-733134.

...Writ Petitioner  
-Versus-

1. The Election Commission of India, a  
Constitutional and Autonomous Body  
established under Article 324 of the  
Constitution of India represented by the  
Body of Election Commissioners and  
service through the Principal Secretary,  
Election Commission of India having  
his office at Nirvachan Sadan, Ashoka  
Road, New Delhi, PIN-110001.

Krishna Pada Sarkar

2. The Chief Election Commissioner, Election Commission of India having his office at Nirvachan Sadan, Ashoka Road, New Delhi, PIN-110001.

3. The Principal Secretary, Election Commission of India, having his office at Nirvachan Sadan, Ashoka Road, New Delhi, PIN-110001.

4. State of West Bengal, service through the Secretary, Department of Home and Hill Affairs, Government of West Bengal (Home Secretary) having office at Nabanna, 13th Floor, 325, Sarat Chatterjee Road, P.S. - Shibpur, District - Howrah, West Bengal, PIN-711102.

5. The Inspector, Anti Corruption Unit, Uttar Dinajpur, having his office at Karnajora, Raiganj, District- Uttar Dinajpur, West Bengal, PIN-733130.

6. The District Magistrate-Cum-Collector, District- Uttar Dinajpur, having his office at Karnajora, Raiganj, District- Uttar Dinajpur, West Bengal, PIN-733130.

7. The Inspector-in-Charge, Raiganj Police Station, having his office at Thana Rd, Millan Para, Bahin,

Krishna Dada Sankar

Raiganj, District- Uttar Dinajpur, West Bengal, PIN-733134.

8. Dr. Aariz Aftab, incumbent Chief Electoral Officer, West Bengal, having his office at 21, Netaji Subhas Rd, Fairley Place, B.B.D. Bagh, District-Kolkata, West Bengal 700001.

.....Respondents

To

The Hon'ble T.S. Sivagnanam, Chief Justice and His Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner named above,

MOST RESPECTFULLY SHEWETH:-

1. Your petitioner is a peace loving and law abiding citizen of this country and is having its office in the address mentioned in the Cause Title of this instant Writ Application. He is a Chartered Accountant by profession having his independence practice and he is also the Proprietor of a Chartered Accountant Firm namely M/S K.P. Sarkar and Co. having its office at 1 Number Mill Campus, Nisith Sarani, Raiganj, District- Uttar Dinajpur, West Bengal, PIN-733134.

2. Your petitioner states that being a law abiding citizen, he had to face the untold sorrow of being falsely implicated in a case wherein he just rendered his professional services of a Chartered Accountant but he was forcefully crushed inside a case of corruption of wide amplitude without any fault of his. The facts of the case ran thus:

*Krishna Pada Sarker*

There is a presence of a District Leprosy Society under the management of the Chief Medical Officer of Health who is the Member Secretary of the said Society and the respondent number 6 is the Chairman of the said Society by virtue of his post. The respondent number 6 is also the District Vigilance Officer and under him the Anti Corruption Unit runs within the District of Uttar Dinajpur. There was a person namely Ramendra Nath Sanyal who was the UDC of the Chief Medical Officer of Health and was entrusted with the job of maintaining Cash Register of the Society under the guidance and approval of both the respondent number 6 and the Chief Medical Officer of Health who are the Chairman and the Secretary of the said Society and the said UDC was in charge of the Cash Register from 27<sup>th</sup> March, 1995 to 30<sup>th</sup> October, 1998. There was some allegation of corruption in the management of the affairs of the said Society as a result of which the respondent number 5 under the management of the respondent number 6 started the enquiry. The then Chief Medical Officer of Health was transferred to the Writer's Building as Deputy Director of Health Department. On 2<sup>nd</sup> August, 2001, the then in-charge of the Chief Medical Officer of Health was called on by the respondent number 5 at Karnajora, Raiganj. On further scrutiny of the Cash Register of District Leprosy Society which was maintained by the said UDC, there appeared huge mal practice like over writing of amount, erasing of the amount and making some interpolation on the amount of the cash register on various pages without any authentication or initials of the Chief Medical Officer of Health which amounts to defalcation of funds. It also appeared that some of the corrections in the entries in Cash Book were rectified with the initial of the then Chief Medical Officer of Health which the said Chief Medical Officer of Health denied by stating that the UDC forged his initials on the entries of the Cash Book.

Krishna Poda Secy

3. Your petitioner further states that after summoning the Chief Medical Officer of Health, the then person in-charge of the Chief Medical Officer of Health lodged a complaint before the respondent number 7 against the then UDC which was treated as a First Information Report detailed Raiganj Police Station Case Number 258/2001 dated 04.08.2001 under Sections 467/468/471/477A/120B/420/409 of the Indian Penal Code, 1860 and as because the investigation involved allegations of corruption, the respondent number 5 under the aegis of the respondent number 6 took over the investigation of the First Information and the first thing which he did was that he arraigned the then Chief Medical Officer of Health who was the de-facto complainant as an accused person. Therefore, the person who lodged the Complaint became an accused person in his own complaint that is the Chief Medical Officer of Health acted as both the de-facto complainant and accused person in the same case which is nothing but a farce and tainted the investigation as a malpractice in the first instance. After investigation the respondent number 5 filed a Charge Sheet against the then UDC of the Chief Medical Officer of Health, the then Chief Medical Officer of Health and the petitioner of this instant writ application. Hence, the petitioner though was not an accused person initially but later on became the accused person and the allegation in the Charge Sheet was that the petitioner being the Chartered Accountant and auditor of the Account kept by the Society in conspiracy with the then UDC of the Chief Medical Officer of Health made a contradictory Audit Report, Cash Book and Ledger Book with that as mentioned in the Cash Register of the District Leprosy Society of Uttar Dinajpur from 1995 to 1998. Excepting this allegation no whisper of any other allegation was made against the petitioner and solely based upon this report, the petitioner had to face the ignominy of a Trial which took an abnormal period of time to commence and end that is for close to twenty years

Krishna Deo Sarwan

the petitioner had to suffer. Finally, after recording the evidence of close to six assigned witnesses, the Judgment was passed by the Court of Additional Sessions Judge, 1<sup>st</sup> Court at Raiganj, District-Uttar Dinajpur in T.R. Case No. 2 of 2010. After the Charge Sheet was filed under Section 409 of the Indian Penal Code, 1860 which involves an act of corruption by a Public Servant, the Case was committed for disposal before the aforesaid mentioned Court by the Court of Learned Chief Judicial Magistrate, Uttar Dinajpur. In the Judgment dated 26<sup>th</sup> June, 2020, the petitioner was held to be not guilty of the said offences and he was acquitted under Section 235 (1) of the Code of Criminal Procedure, 1973 which was not appealed against by the State of West Bengal which furthermore affirms the fact that the petitioner was indeed innocent and his involvement in the above mentioned case was on the basis of a larger conspiracy in order to shield the actual perpetrators who according to the petitioner is the office of the respondent number 6 and the respondent 5 whose complicity could not be thrown out of the window.

A copy of the relevant portion of the Charge Sheet wherein allegations against the petitioner has been mentioned and the Judgment dated 26<sup>th</sup> June, 2020 are annexed herewith and collectively marked as Annexure "P-1".

4. Your petitioner is aggrieved by the fact that he has been made a scapegoat in a case of corruption wherein there are various other stakeholders other than him. The facts on the basis of which the investigation was a sham and requires re-investigation are: Firstly, there is no whisper anywhere as to who filed the initial complaint of corruption on the basis of which the enquiry started, as per the Judgment it was mentioned that may be the respondent number 6 in the capacity of being the Chairman of the Society filed the complaint

Krishna Pada Sarma

but nowhere was the complaint produced as a result of which it was nothing but a mere perception. Secondly, the then Chief Medical Officer of Health was made an accused person in a case wherein he was the de-facto complainant which is furthermore a travesty of justice and made the complaint a sham. Thirdly, implication of the petitioner in the said case was nothing but an eye wash, it is a trite that a Chartered Accountant being an independent practitioner is liable to give an opinion solely based upon the documents produced to him and it is the liability of the Management of a Society to truthfully render him all the accounts and prepare the financial statements and annual financial statements and if the same is not produced then solely the management is responsible and not the Chartered Accountant. The management includes both the respondent number 6 and 8 who are the Chairman and Secretary respectively. Moreover, the system of rendering of the accounts was faulty as because the book keeping was done in a Single System and not a double system (in a double system both credit and debit outflows are mentioned thereby making the procedure of auditing more transparent) as a result of which no annual financial statement could be prepared and no facts and figures of the annual financial statement even if prepared could be confirmed from the cash register. Fourthly, the allegation of the involvement of the respondent number 6 could not be thrown out of the window as because the allegation of corruption was against the Society which was under his Chairmanship and such allegations could not remove his complicity and also the investigation or enquiry was done by the respondent number 5 which was again headed by him. Therefore, the investigation of a Society which was under the Chairmanship of the respondent number 6 was done under his direct control which again makes the investigation a farce and a perfunctory one and nestled with corruption. All these aspects were mentioned in a petition dated 8<sup>th</sup> March, 2021 filed by the petitioner for rectification

Krishna Pada Soren

of the Judgment dated 26<sup>th</sup> June, 2020 and the petitioner was furthermore shown as a UDC of the Chief Medical Officer of Health which is incorrect to the core.

5. Your petitioner states that seventhly, in the judgment dated 26<sup>th</sup> June, 2020, it was mentioned in a paragraph that the Cash Register, Inventory List, Pass Book, Copy of Treasury Challan, Copy of Treasury Challan were all seized from the office of the Anti Corruption and Vigilance Unit and not from the Office of the Chief Medical Officer of Health wherein it was ordinarily kept thereby making huge chances of tampering and contamination of the evidences at the behest of the respondent number 5 who is acting under the supervision of the respondent number 6 as a result of which the investigation could be termed as an outright false one. It is aptly clear that due to the malpractice committed by the then respondent number 6 that is the respondent number 8 (private respondent) who happens to be the Chief Electoral Officer, the life of an innocent individual became a curse and moreover who was the true mastermind behind this alleged acts of corruption could not be unearthed. It is definitely certain that the respondent number 8 acted in the dual category of both the Judge and the Witness as because the allegation of corruption was made regarding the Leprosy Society whom he chaired and the enquiry/investigation was committed under his own chairmanship and such dual role played by one person must raise eyebrows amongst the common public in general and the petitioner in particular. In this regard raising this point the petitioner with the help of a Legal Solicitor Firm had written one detailed representation/complaint addressed to the respondent number 2 praying for inquiry regarding the role of the respondent number 8 in the said acts of corruption that took place in the District Leprosy Society whilst he was the Chairman of the same. The representation

Krishna Pada Sastry

was detailed KLSF/736/2024 dated 6<sup>th</sup> February, 2024 but the same has not been considered and disposed of till date due to which a reminder of the same detailed KLSF/745/2024 dated 8<sup>th</sup> February, 2024 was also served upon the said respondent number 2 but to no avail. Moreover, previously as well a representation under the letter head of the petitioner was served upon the respondent number 2 which was dated 17<sup>th</sup> March, 2021 but even that was not disposed of. Under this circumstance, due to such inaction on the part of the respondent number 2 this instant writ application has been filed before This Hon'ble Court.

A copy of the petition dated 8<sup>th</sup> March, 2021, the documents relating to audit, the representations dated 17<sup>th</sup> March, 2021 and 6<sup>th</sup> February, 2024 as well as the reminder dated 8<sup>th</sup> February, 2024 and the proof of service of the representation dated 6<sup>th</sup> February, 2024 and the reminder dated 8<sup>th</sup> February, 2024 are annexed herewith and marked as "P-2" and the petitioner also craves leave to submit the necessary rules and regulations relating to the role of the respondent number 10 at the time of hearing.

6. Being aggrieved by and dissatisfied with the inaction on the part of the respondent authorities particularly the respondent numbers 1 to 3, your petitioner beg to move this application under Article 226 of the Constitution of India, inter alia on the following:-

#### GROUND:

- I. For that the entire inactions of the respondent authorities (particularly the respondent numbers 1 to 3) are arbitrary and against the provisions of the Constitution of India.

Krishna Pada Sarvam

II. For that there has been violation of the Fundamental Right to life and personal liberty of the petitioner as enshrined in Article 21 of the Constitution of India as its right to live a life nestled with liberty has been violated through such inaction in order to dispose of the representation of the petitioner.

III. For that within the purview of the constitutional obligation the State has the bounden duty to protect the rights of the petitioner which it has failed to protect through such inaction.

IV. For that such inaction in order to inquire as to the facts alleged by the petitioner on the part of the respondent numbers 1 to 3 are an attempt to hide the truth which affects the Right to Life and Personal Liberty of the petitioner as enshrined in Article 21 of the Constitution of India and his Right to Equality as enshrined in Article 14 of the Constitution of India.

7. Your petitioner submits that in view of the facts and circumstances stated hereinabove an order be passed directing the Official Respondents specifically the respondent numbers 1 to 3 to consider and dispose of the representation of the petitioner dated 17<sup>th</sup> March, 2021 and the representation in the form of a complaint as served upon the said respondents through a Legal Solicitor Firm detailed KLSF/736/2024 dated 6<sup>th</sup> February, 2024 in accordance with law.

8. The records of the case are lying with the respondents within the appellate jurisdiction of this Hon'ble Court.

Krishna Pada Soren

9. Your petitioner further state that any further letter of demand for justice would be nothing but an empty formality.

10. The relief sought for herein, if granted will afford complete justice to the petitioner.

11. There is no other alternative or efficacious remedy available to your petitioner than to prefer this application and the relief(s) prayed for herein, if granted will give your petitioner full and complete relief.

12. On the self same facts and cause of action no other application has been filed by your petitioner before this Hon'ble Court, or any other appropriate Court.

13. This application is made *bona fide* and for the ends of justice.

In the aforesaid circumstances it is most respectfully prayed that Your Lordships may graciously be pleased to issue:-

a) A writ of or in the nature of mandamus directing the Official Respondents specifically the respondent numbers 1 to 3 to consider and dispose of the representation of the petitioner dated 17<sup>th</sup> March, 2021 and the representation in the form of a complaint as served upon the said respondents through a Legal Solicitor Firm detailed KLSF/736/2024 dated

Krishna. Pande. Sonnem

6<sup>th</sup> February, 2024 in accordance with law and thereafter inquire into the role of

(b) A writ of or in the nature of certiorari directing the respondents to produce all records of the instant case before this Hon'ble Court so that the same may be perused and appropriate orders be passed so that conscionable justice may be done.

c) *Rule Nisi* in terms of prayers (a) and (b) above;

d) Costs of and incidental to this application;

e) Such further order(s), direction(s) as to this Hon'ble Court may deem fit and proper.

And for this act of kindness, your petitioner as in duty bound shall ever pray.

Krishna Rada Seemant

AFFIDAVIT

I, Krishnapada @ Krishna Pada Sarkar, son of Late Gourpada Sarkar, aged about 67 years, by faith- Hindu, by occupation- Self Employed, permanently residing at Raiganj Tulsipara, Post Office and Police Station- Raiganj, District- Uttar Dinajpur, West Bengal, PIN-733134 do hereby solemnly affirm and say as follows:-

1. That I am the petitioner in this instant case and am well acquainted with the facts and circumstances of this case. I am competent to affirm this affidavit.

2. The statements contained in paragraphs 1 to 13 are true to my knowledge and rests are my respectful submissions before this Hon'ble Court.

Prepared in my office,

*Krishna Pada Sarkar*  
The deponent is known to me

Advocate.

Advocate.

Enrolment Number: F/828/757/2018

Solemnly affirmed before me,

On this        day of February, 2024.

COMMISSIONER

I certify that all Annexures  
are legible.

Advocate.

DISTRICT : UTTAR DINAJPUR  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P. A. NO. OF 2024

IN THE MATTER OF:  
An application under Article 226 of the  
Constitution of India.

-AND-

IN THE MATTER OF:  
Krishnapada @ Krishna Pada Sarkar,  
...Writ Petitioner.

-Versus-

The Election Commission of India & Ors.  
...Respondents.

PETITION

Ranojoy Chatterjee  
Advocate  
High Court, Calcutta  
Chamber: EE-121/2, Sector-II, Salt  
Lake, Kolkata- 700091.  
Mob: 6290415247  
Email: advranojoy@gmail.com  
Enrolment No: F/828/757/2018

Krishna Pada Sarkar

DISTRICT: UTTAR DINAJPUR

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P. A. NO. OF 2023

IN THE MATTER OF:

An application under Article 226 of the  
Constitution of India.

-AND-

Subject matter relating to:

Under Group - IX, Head (Nil) of the  
Classification List under NO ACT

CAUSE TITLE

Krishnapada @ Krishna Pada Sarkar,

.....Writ Petitioner

-Versus-

The Election Commission of India & Ors.

...Respondents.

ADVOCATE ON RECORD:

Ranojoy Chatterjee  
Advocate

High Court, Calcutta  
Chamber: EE-121/2, Sector-II, Salt Lake,  
Kolkata- 700091.

Mob: 6290415247

Email: advranojoy@gmail.com

Enrolment No: F/828/757/2018

Krishna Pada Sarkar

DISTRICT: UTTAR DINAJPUR

IN THE HIGH COURT AT CALCUTTA  
 CONSTITUTIONAL WRIT JURISDICTION  
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W.P.A. NO. OF 2024

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-AND-

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Krishnapada @ Krishna Pada Sarkar,

...Petitioner.

-Versus-

The Election Commission of India & Ors.

...Respondents.

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3.	Writ Petition with affidavit		
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5.	Copy of the petition dated 8 <sup>th</sup> March, 2021, the documents relating to audit, the representations dated 17 <sup>th</sup> March, 2021 and 6 <sup>th</sup> February, 2024 as well as the reminder dated 8 <sup>th</sup> February, 2024 and the proof of service of the latter.	"P-2"	

*Krishna Pada Sarkar*