

Almond
25/3/19



25/03/19

ALOKE KR. JHA
Addl. Judge
Raiganj, U. Dinajpur
CN No. 48 107007 9412 02

IN THE COURT OF THE SPECIAL JUDGE, UTTAR DINAJPUR
ADDITIONAL SESSION JUDGE 1st COURT, RAIGANJ.

CASE NO. TR. 2/2010

Put up
For early disposal
9 Cr.
N. Date 16.5.19

Put up petition
Next date

STATE
-VS-
Krishnapada Sarkar
..... accused

Petition for put up the case record today on behalf of accused :-

1. That the accused above named has filed a petition for early disposal of the case in view of the order dated 08.10.2013.
2. That for passing necessary order the record of the above case is require to be put up before your honour today.

Copy to P.P.
attch

Seen
Jaun Sarkar.
Sr. P.P.
25.3.19.

Hence, the petitioner above named prays for
put up of the case record today.

Filed on
Dt. 25.03.2019

EXAMINED BY
[Signature]

Petition No. *X 87* Dated *18/01/24*
[Signature]
Signature of H.C.C.



Krishna Pada Sarkar
25.03.2019

25/3/19

ALOKE KR. JHA
Advocate
Birnagar, Raiganj, U.Dinajpur
En No. WB-10701977 943405247

In the Court of the Special Judge, Uttar Dinajpur
at Raiganj,

Case No. TR.02/2010

In the matter of :-

an application for -

- A. Supply of copies of seized documents and statements of witness, U/S- 161 Cr. P.C. not supplied to the accused Krishna Pada Sarkar along with records (Charge Sheet) prepared U/S - 173 Cr. P.C. recorded by his lawyer on 20.10.2015 and accordingly order no 38 passed by Ld ADSJ on 01.12.2015 and
- B. Issue of notice to all the Chairmen of the District Leprosy Society Cum District Magistrates for the year 1995 to 2001 to array them as accused u/s 319 of Cr. P.C.
- C. Issue of notice to the Joint Secretary & Chief Vigilance Officer, Ministry of Health & Family Welfare, GOI, New Delhi for confirmation of compliance of GFR-150 & 151 to the Society during the year 1995 to 2001.
- D. Passing on necessary order or orders as may deem fit and proper for commencing trial and there after day to day hearing to conclude the trial of the case in view of the order dated 08.10.2013 passed in CRAN. No.

R/copy.
Tarun Sarkar
Sr.P.P.
25.3.19.

EXAMINED BY

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Signature [Signature] H.C.C

2
Krishna Pada Sarkar
25.03.2019
25/3/19
ALOKE KR. JHA
Advocate
Birnagar Raiganj, U Dinajpur
En No -WS-10701977 943405217

2120 of 2013 and CRR. No. 1722 of 2013.

AND

In the matter of :-

Case No. TR-02/2010

AND

In the matter of :-

State of West Bengal

Versus

Ramendra Nath Sanyal & others.

Humble application filed on behalf of the accused Krishna Pada Sarkar.

Most Respectfully Sheweth :-

1. **That** Krishna Pada Sarkar is the applicant accused No. 3 of the above noted case would like to draw your kind attention about the fact that the 18 years old case is pending before the court of Ld. Special Judge Cum Additional Sessions Judge, 1st court, Raiganj, Uttar Dinajpur and not proceeding at all due to non cooperation and mala fide intention of the prosecution in spite petition filed to that effect on 20.01.2018 stating fact in details remain undisposed off.
2. **That** the prosecutions who are responsible to complete justice of case have failed to start trial of the eighteen years old case with the intention to hide their own crime done for their personal benefit by misusing the power of the public offices delegated thereof to work for public benefit. Further

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Petition No. 287 Dated 18/04/24

Signature of H C C




servants involved in the development and proceedings of the case have been considered as privileged class of persons by the Ld. Court and consciously allowed to adopt delaying tactics for denying the justice to the Petitioner, the victim of the aforesaid case.

3. **That** the name of your petitioner was not in the unlawful F.I.R but included in the charge sheet purposefully without any notice, and giving any opportunity of being heard.
4. That your petitioner had failed to get any justice against the petition filed u/s. 482 and 438 of the Cr. P.C from the court below the apex court and ultimately the bail has been granted by the Supreme Court of India on 24.09.2004. Warrant of arrest was stayed on the date of hearing of S.L.P on 13.02.2004 by the apex court.
5. **That** a notice was issued to petitioner u/s 22 of the R.P.Act, 1950, vide memo no 1512(26)/610 dated 31.10.2005 in spite of the aforesaid fact which are nothing but an incident of the contempt of the order of the apex court. (Copy of correspondence with the office of C.E.C.I & apex court order enclosed).
6. **That** the case after execution of bail bond of the petitioner on 29.11.2004 was heard by the Ld. SDJM Raiganj on 13 dates during the period from 30.11.2004 to 12.01.2010 and passed repeated order like **No ER of W/A against Dr Anuj Kumar**

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Signature of H C C

EXAMINED BY



Bhattacharjee. Issue reminder. Interestingly, Dr.

Bhattacharjee had been working at writers building as Deputy Director of Jail, Government of West Bengal. Similar order were passed from the court of Ld. Special Judge Cum Additional Sessions Judge, 1st court, Raiganj, Uttar Dinajpur after the transfer of the case from Ld. SDJM Court, Raiganj during the course of hearing on 27 dates (Order No-1 to 27) from 10.02.2010 to 20.11.2013. In fact the orders of W/A are most casual, eye washing for the interest of the persons belongs to privileged class and in prosecution of the baseless, false case and not interested for providing justice in compliance of the law of the land. The incidence and circumstances stated here above are self speaking about the fact of contempt of the court and judicial system of the country by and for the interest privileged class.

7. **That** the complainant cum accused Dr, Anuj Kumar Bhattacharjee surrendered before the court on 9th December, 2013 and obtained bail from the court on same day.

8. **That** the Hon`ble High Court of Calcutta has given the direction (vide order CRR No-1722 of 2013 with CRAN-2120 of 2013 dated 08/10/2013) to the concerned court to dispose of the case within one year. However no trial has yet been started due to non supply of the copies of relevant documents u/s 161 & 173 of Cr. P.C till the date of last hearing of the case on 14.02.2019. It is definitely an incident of

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Signature of H.C.C



the contempt of the aforesaid order of the Hon'ble High Court on the ground stated here under one by one.

9. **That** the Id. Court passed an order (vide no 29) to supply the copy of the documents u/s 161 of Cr. P.C on 17.01.2014. There after similar order were passed on 7 dates of hearing (vide order no 30 to 36) during the period from 24.02.2014 to 29.06.2015.
10. **That** the copies of the FIR and charge sheet are handed over on 20.08.2015. The advocate of the petitioner received the same recording thereof the objection for non supply of the relevant documents required u/s 161 of Cr. P.C on the day of hearing, order no-37 dated 20.08.2015.
11. **That** the Id. Court again passed an order (vide no 38) to supply the copy of documents u/s. 161 of Cr. P.C on 01.12.2015. There after similar order were passed on 5 dates of hearing (vide order no 39 to 43) during the period from 20.01.2016 to 15.06.2016 but found no action in this regard.
12. **That** the Id. Court passed an order (vide no 44) on 21.07.2016 on the basis of the information about the death of the complainant cum accused Dr. Anuj Bhattacharjee stating that accused Krishna Pada Sarkar expired and called his death report from I/C Raiganj in spite of his appearance before the court. In the next date of hearing on 23.09.2016, while the matter was raised before the Id. Court no 45 was passed to recall the death report of the petitioner

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Signature of H.C.C

inadvertently called for Raiganj I/C and to call for death report of Dr. Anuj Bhattacharjee from I/C Barasat. In the next date of hearing on 07.12.2016, it has been observed that no action was taken to execute the court order no 45 dated 23.09.2016 accordingly order no 46 was passed to execute the same matter stated in order no 45. It is to be stated that nobody had come to the petitioner from the office of the I/C Raiganj to collect his death report as per the aforesaid order of the court. Your petitioner firmly belief that it is not an inadvertent mistake but the part of the tactics adopted with an intention of delaying and ultimately denying the justice ignoring the fundamental right of a citizen as per the Art 14 & 21 of the constitution of India.

13. **That** the Id. Court passed an order no 47 dated 11.01.2017 regarding the death report Dr Anuj Bhattacharjee form I/C Barasat and issue of reminder to higher authority of the I/C Barasat. There after similar order were passed on 6 dates of hearing (vide order no 48 to 53) during the period from 23.05.2017 to 27.06.2018. In the mean time an application was filed by your petitioner on the day of the hearing of the case on 20.01.2018 with certain prayers. Copy of the application have been served upon the prosecution (order no 51 dated 20.01.2018). No action has been taken till date to hear the prayers of the petitioner for supply of documents u/s 161 & 173 of Cr. P.C. issue of notice to the chairmen of the District Leprosy Society, Uttar Dinajpur u/s 319 of Cr. P.C and day

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Signature of H C C

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to day trial to dispose of the case as early as possible as per direction of Hon'ble High Court of Calcutta issued on 08.10.2013. The petitioner has also state thereon about his age more than 61 years and his sufferings from coronary artery disease, diabetes, hypertension and high grade papillary urothelial carcinoma diseases as well as his feelings desire that he is in the row of death and eagerly waiting for justice within his life period to come out as clean. The relevant medical documents in support of the CABG surgery done in December, 2014 and surgery carcinoma diseases done in May, 2017 to remove one kidney, gallbladder and other part of carcinoma affected and doubtful organs of the body have already been submitted to court. Unfortunately, the aforesaid illness, sufferings and high probability of death of the petitioner have been considered as an opportunity from the end of the prosecutions and the proceedings of the case and consciously adopting delaying tactics with an ill intention to deny the justice.

14. **That** the Id. Court passed an order no54 dated 01.08.2018 regarding the received of the death report of Dr. Anuj Bhattacharjee form I/C. Barasat.
15. **That** the Id. Court passed an order no55 dated 03.09.2018 for supply of the copies relevant documents u/s 161 & 173 of Cr. P.C and hearing of the petition filed on 20.01.2018 on next date of hearing fixed on 16.11.2018.

EXAMINED BY

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Signature of H.C.C.



Krishna Rade Soran
25.03.2019

25/3/19

ALOKE KR. JHA
Advocate
Birnagar, Raiganj, U/Dinalpur
En No. WB-10701977 943405257

16. **That** the case was adjourned due to non production of C.D by Ld.P.P without hearing of the petition filed on 20.01.2018 as per earlier order and Id. Court passed an order no 56 dated 16.11.2018 for supply of the copies relevant documents u/s 161 & 173 of Cr. P.C on next date of hearing 30.01.19.
17. **That** the Id. Court passed an order no 57 dated 30.01.2019 with an assurance of giving top most priority considering the serious illness of the accused senior citizen and direction of the Hon'ble High Court given in the year, 2013 to dispose of the case preferably within a year for supply of the copies relevant documents u/s 161 & 173 of Cr. P.C and fixing of short date for consideration of the charges.
18. **That** the Id. Court passed an order no 58 dated 14.02.2019 regarding the supply of the of documents u/s 161 & 173 of Cr. P.C and fixed date for appearance and confirmation of charges on 16.05.2019. In this regard your petitioner would like to state that the documents supplied contain 51 pages in total. Out of which 23 pages are the same as supplied on 20.10.2013 includes complain, F.I.R, charge sheet etc which are received with objection recorded in the court order no 37. In remaining 28 pages includes 8 pages regarding doctors' prescription for medical treatment of Mr Ramendra Nath Sanyal and 20 pages regarding death certificate and medical treatment of Dr Anuj Kumar Bhattacharjee. Therefore the assurance for supply of the copy of documents U/s 161 and 173 of Cr.

EXAMINED BY

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Signature of P.C.C



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K. S. Sharma
25.03.2019
20/1/19
ALOK K. JHA
Advocate
Bimagar, Raigarh, U. D. District
En No WS 10701977 9438247

P.C as per the order no 38 dated 01.12.2015 and other orders given there after by the Id, court and top most priority for disposal of the case by fixing short date as per order no 57 and hearing of the petition filed on 20.01.2018 as per order no 55 of have not been fulfilled in the last order no 58 of the Ld. court. These are the incidents of injustice, drama, crocodile tears, adoption of delaying tactics to keep the case subjudice for ever. These are the incidents of perjury and contempt of the orders of the Hon'ble court. In fact the Ld .Court is not serious at all to dispose of the 18 years old case and consequently the prosecution has been getting opportunity to adopt the tactics of delaying to keep it subjudice to protect the real criminals from the interference of other quasi judicial and other authorities which is crystal clear from the fact stated hear above.

Therefore necessary steps should be taken to hear the petition filed on 20.01.2018 and for disposal of the aforesaid case as early as possible to prevent the criminals to use the court as safe heaven due to subjudice status of the case.

In the aforesaid facts, circumstances and the existing agony of this accused, the accused prays for :-

- a) taking up hearing of the application dated 20.01.2018,

EXAMINED BY

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Krishna Bala Sarda
25.03.2019

25/3/19

ALOKE KR. JHA
Advocate

Binnagar Raiganj, U.Dinagar
Co No WS-10701877 8434532

- b) for taking up the case seriously to dispose of the case as early as possible to prevent the criminal as possible the court as a place of save heaven due to subjudice status of the case.
- c) Any other or further order or orders which your honour may consider fit and proper.

And your petitioner as in duty bound shall ever pray.

EXAMINED BY

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Signature of H.C.C.

