

In the Court of the Special Judge, Uttar Dinajpur.

| under Narcotic Drugs & Psychotropic Substances Act, 1985|

Put up petition

In the Court of the Additional Session Judge, 1st Court

Petition for rectification Disposed on 26.06.2020 - Raiganj, Uttar Dinajpur.

Case No. TR-02/2010

State -VS- Krishnapada Sarkar ...Petitioner/Acquittal

Petition for put up the case record on behalf of above noted Petitioner/Acquittal:-

The petitioner has filed an application for rectification of the orders dated 24.06.2020 of the above case. For this reason, the case record requires to be put up today before your honour.

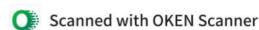
for of what had

Hence, the petitioner prays for an order for put up of the case record today.

Filed on Dt. 05.02,2021



Petition No. X 85 Dated 150124











In the Court of the Special Judge, Uttar Dinajpur.

| under Narcotic Drugs & Psychotropic Substances Act, 1985|

In the Court of the Additional Session Judge, 1st Court Raiganj, Uttar Dinajpur.

> Case No. Criminal application /2021 (TR-02/2010)

In the matter of:

An application for Rectification of the orders
passed on 24.06.2020 for entry
of the petition filed thereon
u/s-313 and 315 of Cr. P.C as
evidence of truth that the
petitioner has falsely and
purposefully been implicated
by unlawful means in this false
case by furnishing false
evidences and information.

AND

In the matter of:

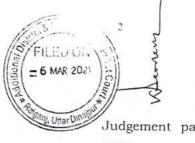
Providing an opportunity to the petitioner for production of relevant documents to the court in support of the fact stated in aforesaid petition and furnishing necessary information and explanation to clear all the doubts of Ld. Court for rectification of the order of

AMINED

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Petition No. X 85 Dated 801/24
Signature of H C C





Judgement passed on 26.06. 2020.

AND

In the matter of:

Passing on necessary order as may deem fit and proper considering the evidence and information obtained during the course of trial from witness and accused of the case.

AND

In the matter of:

TR-02/2010 corresponding GR Case No. 623/2001 disposed before the Court of the Special Judge under NDPS. Act Cum Additional Session Judge, 1st Court, Raiganj, Uttar Dianjpur.

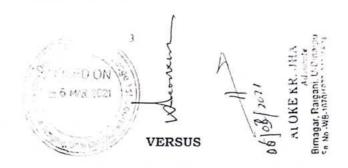
AND

In the matter of: Krishnapada Sarkar,

son of Late Gour Pada Sarkar, of Ramendrapally, P.O. & P.S. Raiganj-733134, Dist. Uttar Dinajpur.

.....Appellant

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State of West Bengal

Represented by:The District Magistrate,
Uttar Dinajpur,
Office at Karnojora,
P.O. Karnojora-733130,
Dist. Uttar Dinajpur.

.....Respondent

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

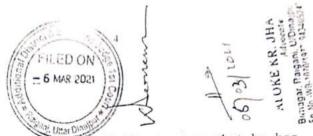
Most Respectfully Sheweth:-

1. That Krishnapada Sarkar is the applicant, accused No. 3 of the above noted case as per charge sheet, stated as accused No 2 in the order of Judgment, would like to draw your kind attention about the certain issues observed in that order of the Judgment of the case no. T.R-2/210 (G.R -623/2001) u/s 468, 409, 120B passed on 26.06.2020 particularly about his occupation stated as U.D.C. of CMOH, Uttar Dinajpur and about rectification of entries and forge initial in Cash Book which have not at all been stated in the charge sheet. The IO has stated thereon about rectification of entries, forge initial etc in other record called as Cash Register which have no connection with the annual financial statement and auditor's report as per the principle of accountancy.

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Patition No. X 889 Dated 180/24,
Signature of Harm



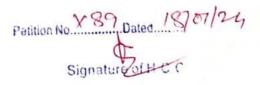


Your petitioner would like to state that he has reasonable ground to believe that the aforesaid judgement is not only the incident of miscarriage of justice but also an incident of violation section of 409, 120B and 468 of IPC due to apparent foul playing of the judiciaries by assuming the role of executives involved therein to deviate and divert the matter from key issues.

2. That your petitioner would like to state that in aforesaid case he has been victimized and made scapegoat not only by the public servants of the executives system by falsely and purposefully implicating him in this case by unlawful means by creating and using false evidences but also by the judicial system by delaying in delivery of justice. During the course of twenty years long legal battle in several court from SDJM to apex court, he has faced numbers of dramatic tactics and strategies adopted thereon in all the courts below the apex acourt as stated in his petition dated 25.03.2019 for deviating and diverting from the main issues stated in his earlier petition dated 20.01.2018 regarding false evidences, Cash Register & Docal Audit Report build up during the course of enquiry of IO and willful misinformation about auditor, based on which the charge sheet of this case was made. Ld. Court has failed to understand the separate identity of post audited cash register, prepared in May, 2001 for false case and cash book, part of the proper books of account prepared before audit as per law and the clarification on contradiction of the

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IO given in petition dated 20.01.2018. Ld Court has either failed to apply its judicious mind to the vital issues of independency, capacity, competency, and unlawful appointment of IO which is ultra virus to the principle of doctrine of administration and in violation of the principle of natural justice, Article 14 & Samp; 149, GFR 150 & Samp; 151 as stated in petition dated 20.01.2018 & Samp; 24.06.2020 or ignored consciously to shield the aforesaid miscreants.

3. That the petitioner is not happy at all in the order of Judgment passed on 26.06.2020 to acquit him on the ground of benefit of doubt as he has provided all the necessary information in brief in his petition dated 20.01.2018 which has been ignored by Ld. Court by passing a non speaking order in this regard. The petition dated 24.06.2020 for his submission in details has been ignored may be on the ground of the order passed by the Ld. court on that day to befool the petitioner, "There is accused examination of material for no Krishnapada Sarkar u/s 313 Cr. P.C. So he is not examined". There is no reason to be pleased in this order which, as appears, has been passed consciously to keep the doubt un-cleared for passing the order for judgment of the case under benefit of doubt. The Ld Court, instead of revealing truth for fair justice, is very much careful to shield the wrong doing, foul playing and abusing of powers of the DM/ DVO/ Chairman of the Society and other public servants of his offices in

EXAMINEDENT

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Petition No. X 89 Dated 1807/24

6 MAR 2021 y. Umar De

contravention of section 119, 120B, 166, 167, 191. 192, 193,195, 196, 204, 211, 217, 218, 220, 383 & Samp; 386 of IPC, Section 7 & Samp; 13 of PCA and Article 14, 19, 21,149,150,151 of the constitution of India. To shield and/or to provide safe exist way to the corrupt public servants as stated here above ignoring independency, dignity, credibility and public confidence on judicial system for timely delivery of fair justice is a very bad instance in a democratic country. It appears like the surrender of independent identity of judicial system due to its acquisition, merger or taking over by executive system of the country for best interest of corrupt public servants to exploit and victimize the innocent citizen. These are the secret reasons for delay about twenty years in delivery of justice in this case.

4. That your petitioner thinks that the corruption, in the drive or system for prevention of corruption and reluctance in delivery of justice for long period as in the instant case, about twenty years, are raising very critical and serious issues. The matter and consequence of which is like the Battle of Palassey of the year 1757, 23rd June, between Siraj-ud-Daulah, the Nawab of Bengal, and Colonel Robert Clive, representative of a British Company. In spite of having robust army arrangement, Nawab was defeated in the battle due to corruption and conspiracy of the chief commander of army of his state, Mir Jafar Ali Khan, made with the enemy, Robert Clive for decisive victory of British. Consequently, in one day battle with 3000 solders,

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Petition No. 89 Dated /8/01/2

British Rule in India by Ching unstanted defeating Nawab's 50000 well equipped solders due to dramatic inaction, betrayal and defection of chief army commander, Mir Jafar who was bribed with promise of the throne. After loss of about 500 life including key army officials, Mir Madan Khan and Diwan Mahanlal against only 22 casualties of British, Siraj- ud- Daulah was arrested, convicted and executed. Thereafter British rule was started in India and Mir Jafar was rewarded as per the promise for victory in the battle and installed in power as next Nawab of Bengal, the british puppet. The reason of the battle were that Nawab Siraj-ud-Daulah adopted Pro-French policy, overran British trading post and ordered to stop the fortification in Calcutta due to rampant misuse of trade privileges given, nonpayment of taxes and duties by the British Company and its workers and fortification in Calcutta without his permission which created tension and suspicions between the Nawab and British and culminated in the Battle of Palassy. Nawab Siraj-ud-Daulah had failed to perceive the impact of corruption and necessity for taking action for prevention of that Corruption. Consequently, the effort of development of robust army could not fulfill the primary objective of security and safety of the state but simply created employment opportunity and prosperity of certain opportunist persons.

5. That Your petitioner would like to state that he has no clear conception about the existence of the heaven in the universe for taking rest in peace after

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Petition No X89 Dated 1801/24

MIOKE KR. JHA
Advocate
Blimagar, Raigani, Willingipu

the end of finite human life but he knows and believes in the history which takes care of all after the end of lives to stay alive in peace forever according to the own merit. Accordingly all heroes of the Battle of Palassey have been observing still alive in the books of history as per their own merit. Being a Chartered Accountant and Fellow Member of the Institute Chartered Accountants of India (ICAI) and empanelled auditor of C & amp; AG, RBI and other entities, your petitioner feel proud and very serious about his own dignity as well as the dignity of the ICAI, C & Damp; AG and MOH & Damp; FW who are lawfully entrusted to review his professional performance and to examine any allegation if raised. However the aforesaid false case has been made without any communication with the concerned person and authorities. It is also desirable that every person or official, ethically and/or lawfully, should have to be careful and sincere about his own dignity as well as the dignity of his institution in discharging his duties and responsibilities thereof. Further by observing the way and manner of passing the order of the instant case on 26.06.2020 ignoring the fact stated in the charge sheet and complain cum F.I.R of the case and the explanation given thereof in the submission of the petitioner dated 20.01.2018, 25.03.2019 and for obvious reason 24.06.2020, it can date 26.06.2020 apprehended that the 24.06.2020 were actually the date of declaration of the pre planed, unfair and biased decisive Judgment of the Ld. court like the decisive victory

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Petition No. X 89 Dated 194/24
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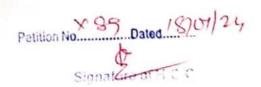
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in the Battle of Palassey. Considering matter of history and facts stated here above, the order of Judgment given by Ld. Court on 26.06.2020 in the instant case of prevention of corruption and corruption thereon to acquit the petitioner on the ground the benefit of doubt without taking proper initiative to clear the doubt to identify the real crime and the miscreants thereof is not acceptable to your petitioner.

6. That the occupational identity the petitioner, accused no 2 in the order of the Judgment, stated as UDC of CMOH, Uttar Dinajpur on the basis of information provided in charge sheet, point No 12 for particulars of accused persons charge sheeted about occupation of aforesaid accused as Govt. Employee. For confirmation of the matter, stamp of witness, PW-1, Mr. Niranjan Das has purposefully been affixed thereon in spite of his statement given before Ld. Court on 26.06.2019, "I do not know another accused Krishnapada Sarkar". Further the Ld. Court has ignored the main issue regarding the allegation leveled by the IO in the charged sheet in Point No 17 for brief facts of the case against the accused No-2 for rendering his professional services as independent practicing C.A, "I persuade the Audit Report Cash-Book ledger Book prepared by K.P.Sarkar which are very contradictory with the cash register. No day-today cash transaction as mentioned in the cash register of the District Leprosy Society Uttar Dinajpur from 1995 to 1998 was found in the audit cum-cash ledger Book

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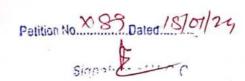
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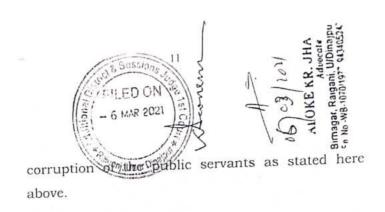
Prepared by K.P.Sarkar and Co. It was learnt from the authority that without audit report no govt. are generally sanctioned. Hence accused Ramendra Nath Sanyal in connivance with the K.P.Sarkar and Co, Chartered Accounts prepared a hoth-potch audit and the audit party did not brought it to the notice of the authority concerned for such huge amount govt. money to notice of govt. and gave indrivence for committing such crime by forgery, cheating and falsification of account. So Sri K.P.Sarkar, Prop. of K.P.Sarkar and Co. N.S.Road is liable for prevention in this case". A/c of March.2001 is enclosed to explain cash issue-Annexure-A.

7. That the Ld. Court has failed to apply judicious mind in the fact and information provided by the IO in the charge sheet stating the charges as Sri K.P.Sarkar, Prop. of K.P.Sarkar and Co. is liable for prevention in this case by wearing the jersey of Govt. Employee with an ill intention of covering the matter u/s 409, 468 & amp; 120B of IPC based on false evidences developed in contravention of section 119,120-B, 166, 167, 191, 192, 193, 195, 196, 383 & amp; 386 of IPC. The Ld. Court has not only failed to raise any question in its mind that how a proprietor of a C.A firm engaged for conducting annual financial audit is considered as government employee but also for well covering up the matter, another stamp of U.D.C of the CMOH. Uttar Dinajpur has been affixed on that jersey under fake authentication of PW-1 to shield the

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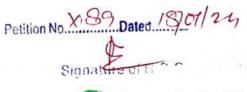


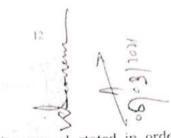


- 8. That the section 409, 468 & tamp; 120B of IPC for criminal breach of trust by public servants, forgery of documents and criminal conspiracy can never be applicable to the petitioner, Krishnapada Sarkar as he was not a public servant or custodian of document of the society and had no relation or connection with the cashier of the society. He expressed his audit opinion on the annual financial statement lawfully authenticated by the Chairman and Secretary of the society. But these sections 409, 468, 120B of IPC will definitely be applicable along with the sections 119, 120B, 166, 167, 191, 192,193, 195,196, 204, 211, 217, 218, 220, 383 & amp; 386 of IPC and sec13 of PCA to all those public servants who are under the veil of prevention of corruption involved in corruption and conspiracy to victimize innocent person ignoring Article 14, 19, 21, 149, 150, 151 of the constitution of India and GFR149,150 & amp;151 of GOI.
- 9. That the Ld. Court has over looked the fact stated in the charge sheet about local audit done by Mr Niranjan Das and other staff of the CMOH. Uttar Dinajpur under order of Dm/DVO, U/Dinajpur and reported the amount of defalcation of Rs. 715820.60 on 14.08.2001(Annexure-B). The Ld. Court has also ignored the submission of the petitioner, accused no 2 in the order of the Judgment, explaining issue in details in point No

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27 may be on the ground stated in order No.85 dated 24.06.2020 and accordingly nothing has been stated in this matter in the order of Judgment passed on 26.06.2020.

- given by the petitioner in his submission dated 24.06.2020 in point No 22 and in earlier submission dated 20.01.2018 in point No 18 regarding the facts stated by the IO in the charged sheet in Point No 17 for brief facts of the case, "In course of vigilance enquiry, I have taken into custody sum documents i.e. Cash Register of District Leprosy Society U/Dinajpur commencing its accounts from 6.2.95 to 26.3.98. This register was taken into our custody on 23.5.01 from Ramendra Nath Sanyal U.D.C of CMOH office consisting page No 1 to 252"and so on.
- 11. That the Ld. Court has ignored the facts stated in complain letter 02.08.2001 aforesaid case made by Dr Anuj Kumar Bhattacharjee on 02.08.2001 to the I.C. Raiganj P.S through D.M, U/D and stated. "that in between 1994 June to Jan,2000, I was posted at U/Dinajpur as C.M.O.H. After joining at U/Dinajpur as C.M.O.H & amp; I was held the Chair of Member Secretary, District Leprosy Society, U/Dinajpur." He has also stated "Sri Sanyal worked as cashier of said society under C.M.O.H, U/Dinajpur up to 30.10.98". He has also Stated, "On getting an R.T. massage from D.M & amp; District Vigilance Officer of U/Dinajpur, I attended

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vigilance Ficetor on 2.8.2001 & amp; peruse the ceased cash register of District Leprosy Society----------.There are some double entries of amounts, overwriting, addition, alteration, cross writings detected in all total cash amount in each page of amount was not shown in almost in all the dates & amp; pages of the cash account Register". He has also Stated, "On that time of authentication after writing cash register by Sri Ramendra Nath Sanyal, when used to put up before me ,there were no cross writing, over writing, addition, alteration and forgery on cash register. When vigilance unit U/Dinajpur started enquiry about the cash register etc, then Rmendra Nath Sanyal made cross on the false payment entries to save his skin & amp; he took the cash register before me on 26.5.2001 at my residence at Barasat for further authentication-----". Dr Anuj Bhattacharjee signed and handed over his complain on 02.08.2001to the vigilance inspector Mr. P.C.Das stating his designation and address, "Dy. Director West Bengal Jail, Writers Building Calcutta, Dt. 02.08.2001 (Chief Medical Officer) Rank, Deputy Director".

- 6 MAR 2021

12. That your petitioner has explained the observation of the IO about the contradiction that no day to day transaction of cash register was found in cash book in his petition dated 20.01.2018 particularly in point No 20 and in details in the petition dated 24.06.2020 in point No 22, 26 and 27. In response to the petition filed on 25.03.2019 for early disposal of the case kept pending for more than 18 years

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Petition No. X 89 Dated 18 07/24

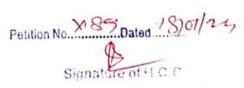


and hearing of the petition dated 20.01.2018, Ld. court heard the petition on 09.04.2019 and disposed the same on that day without study in depth and applying judicious mind on the issues stated thereof. Ld. court has ignored the petition dated 24.06.2020 for taking into consideration for passing order of Judgment on 26.06.2020. Exact reason of which is not known to the petitioner but he believes that this is not for the best interest of justice and consequence of which undesirable miscarriage of justice of aforesaid case has been observed. All other issues of the charge sheet and complain cum FIR have already been explained in his earlier submissions. Further, if any issue left un-responded will be provided whenever required.

13. That Mr. Niranjan Das, PW- 1 took over the charges of cashier of the district Leprosy Society, Uttar Dinajpur from sri Ramendra Nath Sanyal on 30.10.1998. Accordingly he placed before the auditor CA. K.P.Sarkar the books of accounts with all relevant documents and furnished all the information and explanation whatever required to get the auditor's report for years 1997-98 dt. 1999-2000 dt.17.06.99, 1998-99 13.11.98, dt.20.05.2000 & amp; 2000- 01 dt.19.04.01. Mr. handed over a cheque No-756701 dt 29.11.2001 written by his own hand as cashier for 1575/= signed by the Chairman and Member Secretary jointly as authorized persons to CA. K.P.Sarkar (Annexure-C) .Mr Niranjan Das has also played the role of local auditor along with Dr. Dipak

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EXAMINEDRY



ALOKE KR. JHA Alongan Banan, Ulbisher

Bhowmik and Mr Man Mohan Sanyal which was details in the petition dated explained in 24.06.2020 in point No 27. Therefore Mr Niranjan Das knows very well CA K.P.Sarkar. Further he has also given statement honestly and innocently as PW-1, "I do not know another accused Krishnapada Sarkar". Actually there are very rear persons in the Raiganj city who knows the full name and father of CA K.P.Sarkar. There is a surprising and secret story behind the fact how Mr. P.C.Das quoted in his charge sheet full name of CA K.P.Sarkar with full name of his father who was the resident of remote village about fifty kilometer away from Raiganj city? Most probably at the beginning of Stember ,2001,at afternoon, Mr P.C.Das, Dr Dipak Bwowmik and Mr Mani Mohan Sanyal arrived at the office of CA K.P.Sarkar. Mr P.C.Das after his introduction given by Dr Bhowmik want to know full name and father's name of CA K.P.Sarkar. After providing this information and knowing his purpose of visit, CA K.P. Sarkar suggest him to raise all queries regarding the auditor's reports in his official letter properly to get appropriate response thereof. Thereafter no letter was received from the IO, Mr P.C.Das. However, the charge sheet of aforesaid case was filed by that IO on 30.09.2001 considering K.P.Sarkar as 3 rd accuse without recording his views thereon. The real facts came to the knowledge from the counter affidavit (Point No-10) submitted on 20.04.2004 to apex court in connection of S.L.P. based on the recording of IO, Mr. P.C Das, "That

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Petition No. 789 Dated 18701/21,

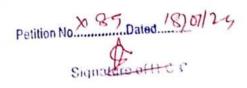
the petitioner has been absconding and is not

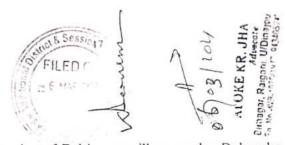
available for interrogation".

- 14. That your petitioner would like to state that same procedure and tactics of IO has been adopted in passing the order by the Ld. Court on 24.06.2020 to deprive the petitioner for expressing his views and recording the same in the Judgment of the aforesaid case. On the basis of that order No 85 dated 24.06.2020, Ld Court has provided the safe exist way to the miscreants of this false case falsely and purposefully by unlawful means implicated to the petitioner by passing the order of Judgment of the case on 26.06.2020 to acquit the petitioner on the ground of the benefit of doubt ignoring the credibility, dignity and independency of Ld. Court as well as fundamental and other legal rights of the citizen as stated in earlier petition.
- 15. That the Ld. Court has ignored explanation given by the petitioner in his submission dated 24.06.2020 in point No-5 for drawing attention to the basic elements of this case for fair justice like perception, intention, mindset and so on with reference few incidences taken from the history of human civilization. Consequence of which the miscarriage of justice in the final order of this case passed on 26.06.2020. The petitioner found no difference in application and effect of perception, intention, mindset and so on stated thereon in this case with the Judgment in Kangroo Courts for hunting witch in the tribal area of the country. An incidence of

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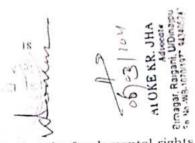
witch hunting of Rahimpur village under Dokmoka police station in Karbi Anglang district of Assam happened on 30.09.2020 and the news published in leading news papers (Enclosed in Annexure -D). As per the news, 50 years old widow Ramawati Halua was identified as witch alleged responsible for illness and death of an young girl of that village and 28 years old young educated Bijoy Gaur who protested against the superstation of the practice of identification of witch were killed brutally by the villagers as per the decision and order of the Kangaroo Court. In the aforesaid case no. T.R -2/2010 (G.R - 623/2001), the public servants have played the same role as like as the witch hunter for the professional death and character assassination of the petitioner due to the false case purposefully designed and thereafter for delaying and denying the fair justice by abusing the power of the public offices of the democratic country. That your petitioner on logical ground as stated here above believes that the loss of public confidence due to poor performance of the formal institutions responsible for looking after the law and order and other related matter are the basic reason for the existence and growth of Kangaroo Court, Cut Money Court and other illegal informal Court which is very much shameful and prejudicial for interest.

16. That your petitioner would like state his views that the character assassination of the innocent person by the public servants by abusing power of the public offices of the democratic country who are

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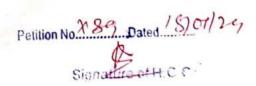


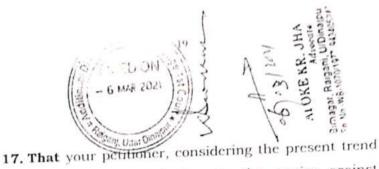


responsible for protecting the fundamental rights of life with dignity of the citizen is the shame of that miscreants but not of the victim and it is very much detrimental to the humanity and human civilization. In this regard the views of our great poet Rabindra Nath Tagor expressed in his poem "Gandharir Abedan" written in hundred years back based on the stories of famous epic Mahabharat can be recalled. In this poem (Enclosed in Annexure-E), the queen Gandhari submitted her appeal to the king for and on behalf of Droupadi and her other family members for justice who were victimized by the princes of the kingdom by abusing their administrative power for assaulting and unclothing her publicly. The princes enjoyed their effort of character assassination of Droupadi, the spouse of their cuisine brothers and feel proud for taking revenge and depriving them from their property and all other rights unethically. The queen was failed to get justice from king Dhritarashtra, the almighty, as he was absolutely blind in all respect and biased to his sons, the princes Duryadhan, and others. Consequently, the queen become frustrated and disheartened apprehending the forthcoming ruin of the Kourab Kingdom. Your petitioner would like to state that he very much frustrated and disheartened considering the fate and future consequences of the TR-2/2010(GR-623/2001) case pending for fair justice for more than 20 years.

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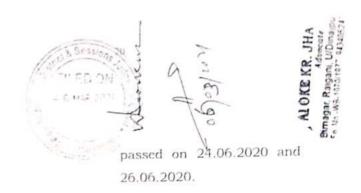
and art of victimization to the warier against corruption by adopting tactics of declaring his unnatural and mysterious death due to murder as suicide case, would like state for removal of all doubts that he has no intention to commit suicide. He is waiting eagerly for justice as he has been suffering since, 2001 from pain of his professional death and death by character assassination and/or defamation due to this false case based on fake allegation. However, he is now quite fit physically by following medical protocol and advice of doctors regarding health matter and mentally knowing the true history and future consequences of the case. He is ready to fight against this organized mega corruption of public servants considering it as the biggest threat to humanity. He firmly believes that the truth can't be defeated. It is expected that the Ld Court will take appropriate action for the protection of life, property and lives with dignity by providing fair justice to the petitioner. In the aforesaid facts, circumstances and the existing agony of this accused, the accused prays for :-

a) taking up hearing of this application and that made on earlier dates on 24.06.2020, 25.03.2019 & amp; 20.01.2018 to clear all the doubts for rectification of the orders

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Petition No. ×89 Dated 18707/24,



b) any other or further order or orders which your honor consider fit and proper.

And your petitioner as in duty bound shall ever pray.

VERIFICATION

The contents of the above petition are all true to the best of my knowledge. I put my signature on this the 05th day of February, 2021 at Court premises at Raiganj

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