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28/6/22

28/6/22

ALOKE KR JHA
Advocate
Birnagar, Raiganj, U Dinajpur
En. No. WB-1091/1977, 943405247

For the cause of the Special Judge,
Uttar Dinajpur

Put up petition

Prayer for filing
New petition

N/D 03/09/2022

Case No. TR. 02/2020

Krishna Pad a Sarker
— Appellant

State of W. B. — Respondent

Information.
Let it be kept
with the bench.
To date.
28/6/22.

Appellant — Mr. Advocate, order
for 28/6/22, 28/6/22

State of W. B. —

Mr. Advocate, order
for 28/6/22, 28/6/22

State of W. B. —

Mr. Advocate, order
for 28/6/22, 28/6/22

State of W. B. —

Mr. Advocate, order
for 28/6/22, 28/6/22

State of W. B. —

EXAMINED BY
[Signature]

Petition No. X187 Dated 18/01/24

Signature of H.C.C.



12/12
25/6/22

Aloke Kumar Jha
25/06/2022

ALOKE KR JHA
Advocate
Birnagar, Raiganj, UDinajpur
En No.-WB-1091/1977, 9434052474

In the Court of the Special Judge, Uttar Dinajpur.
[under West Bengal Criminal Law Amendment Act]
&
In the Court of the Additional Sessions Judge, 1 Court
Raiganj, Uttar Dinajpur.

Case No. TR.02/2010

Krishnapada Sarkar,

.....Applicant

Versus

State of West Bengal

.....Respondent

In the matter of :

An Application For –

A. Hearing of the petitions of the appellant for rectification of the order of the judgment passed on 26.06.2020 on urgent basis considering the fact of serious question of laws and corruption involved thereof for keeping 21 years old unlawful prosecution pending purposefully and non-recording of the written statement submitted on 24.06.2020 under section 313(5) of Cr.P.C..

B. Hearing of the facts and issues of corruption in public offices as stated in several petitions of the petitioner instead of often adopting corrupt

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Petition No. X 87 Dated 18/06/22

Signature of H.C.C.

-H. K. Jha
 28/06/2022
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 En. No.: WB-1051/1577, 843052474

practices of adjournment and re-fixing of the date of hearing after four to six months interval to deny the justice by ignoring and disobeying the law and constitution of the country and the public faith and confidence on democratic principles, constitutional and statutory bodies or institutions

Most Respectfully Sheweth as follows:-

1. **That** your petitioner would like express his frustration, agony and surprise due to the fact that instead of hearing of the matter on the schedule date 22.04.2022 and earlier dates as stated the petitions for rectification of mistake in the order of the judgment passed on 26.06.2020 with baseless and wrong observation given thereon, the adjournment of hearing of the petitions has been made by re-fixing the date of hearing after long four months long interval on 03.09.2022. This corrupt tactic often used with the intention of denying justice to hide the public servants from the serious crime ignoring and disobeying the supremacy, glory and dignity of the constitution of the country and its preamble and basic foundation as well as the public faith and confidences thereof and other democratic institutions is serious crime, syndicate working and part of the larger conspiracy.
2. **That** your petitioner think that the practice of adjournment of hearing of unlawful prosecution often as stated here above by the court designated to deal with the matter of

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25/06/2022
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 En. No. WB-19311977, 9434052474

corruptions disobeying the direction and principle laid down by higher courts as well as dignity, glory and accountability of own fraternity is a big crime, conspiracy and larger corruption to shield the crime, corruption and wrong doings of public servants instead of rendering services to the citizen of the democratic country. The crime, corruption and wrong doings of public servants in this false prosecution in contravention of section 119, 120B, 166, 167, 191, 192, 193, 195, 196, 204, 211, 217, 218, 220, 383 & 386 of IPC, Section 7 & 13 of PCA and Article 14, 19, 21, 129, 149, 150, 151 of the constitution of India have already been stated and explained in earlier petitions. Hence the petitioner is strongly objecting for adoption such corrupt practice often as a tactic for delaying or denying of justice pending for last 21 years.

3. That aforesaid corrupt practices encourage the erring public servants and others to victimize the innocent citizen unlawfully by means of unlawful prosecution by abusing their authority and power assigned to them by the statute for own benefit. Both the practices of victimization by unlawful prosecution and adjournment of hearing often casually instead of application of judicious mind thereof increase the number cases pending for justice for than five years, twenty years or more. Due to this non performing attitude and practices, not only increase the administrative cost of judicial system but also tarnishing and diminishing the glory, dignity and public confidence thereon. This is actually direct assault upon democratic principles and values by the corrupt public servants by adopting unlawful syndicate culture.

EXAMINED BY


Page 3 of 9

Petition No. X 87 Dated 18/01/24


 Signature of J.C.F.



ALOKE KR. JHA
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 C.N. No. - 105/11377, 942405247

4. That your petitioner would like to draw attention to Article 129 of the constitution of India that after more than half century of independence, the judiciary of the country is under constant threat and being endangered from within and without. The need of the time is of restoring confidence amongst the people for the independence of judiciary, its impartiality and the glory of law has to be maintained, protected and strengthened. The confidence in the courts of justice, which the people possess, cannot, in any way, be allowed to be tarnished, diminished or wiped out by contumacious behavior of any person. The only weapon of protecting itself from the onslaught to the institution is the long hand of contempt of court left in the armory of judicial repository which, when needed, can reach any neck howsoever high or far away it may be.- In re: Arundhuti Roy, AIR 2002 SC 1375: (2002) 3 SCC 343.
5. That the Hon'ble Chief Justice of India state in his speech at 11th conference of Hon'ble Chief Justice and Hon'ble Chief Ministers of the states of India held on 30.04.2022 in presence of Hon'ble Prime Minister that indispensability the three arms of the state- the legislature, the executive, the judiciary- working in tandem to serve the citizen even as they provide a system of check and balance against one another. The principle of accountability which also important in a democracy in both sectorial and collective. Each arm of the state is accountable for specific responsibilities that devolve on it from the constitution. He also state about state's collective accountability because unless its three arms are mutually supportive in delivery good governance to people in whose name the exercise authority and each arm can become constraint on the

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Recd. 28/06/2022
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 En. No. WB-189/1977-943405247

other. He also draw attention to the vastly increased work load on judiciary while both and human resources and physical infrastructure continue to fall further and further. It is to be stated that in earlier 10th conference held in the year 2016, the target to bring down the five years old pending cases to zero level was fixed. Further, at the conference of the QUAD group of countries (India, Japan, Australia and USA) held at Tokyo on 24.05.2022, the Hon'ble Prime Minister of India and the counterpart leaders of other members countries have discussed and agreed upon promotion of democratic values and rule of law for the purpose of peace, prosperity, security, stability, opportunity and other issues of the member countries.

6. That the chief of the respective state arms, CJI or PM, have stated nothing as such in that conference about the non-performance or corruptions of the erring or incapable subordinate public servants at ground level regarding harassment and humiliation by false and lawful prosecution and inaction of judicial system working on unlawful syndicate basis of understanding with other arms of the state and accordingly often prefer to adjourn the date hearing for keeping the victim behind the bar forever ignoring and disobeying the right of life of citizen and the matter of 277th recommendation report on wrongful prosecution and miscarriage of justice made in 2018 by the Law Commission of India. However both issues have significant contribution to increase number of pending case and work load the court and expenses public money to maintain the establishment have no performance or very poor performance. In this context, the history of the battle of Plassey, 1757, already stated in earlier petition can again

Atanur Rahman
 28/06/2022
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 En. No. WB-10311937, 943405247

be recalled where Nawab Siraj-ud- Daulha was defeated in spite of his robust and strong army due to corruption and inaction in battle field of his subordinate, commander in chief of army, Mir Jafar Ali Khan and others. It is very difficult to fulfill the dream and desire of our leader as well as people country without proper addressing of the matter of rampant corruption in organized syndicate system in spite of having golden opportunity thereof.

7. **That** your sixty six years old petitioner, being a fellow member of the Institute of Chartered Accountants of India established by the act of parliament. He is empanelled as practicing Chartered Accountant with C& AG, RBI and other authorities has got so many opportunities to dealt with prestigious audit and other professional works during the course of his about thirty five years professional carrier. At this age he has no expectation except to render services for development of the people of the country honestly with due respect and dignity. So, it is very difficult to him to tolerate the erring public servants involved in framing the aforesaid false prosecution and trying to shield the corruption by adoption of unconstitutional, unlawful, unethical corrupt practice ignoring and disobeying the prescribed law, rules and procedure to deal with professional misconduct or any lapses on the part of chartered accountant conducted audit of the accounts of the society. So, if the Ld court fail to take appropriate action to hear matter stated in the petition, then the petitioner will have no option to think about the application of Article-139A for trial of the case in the competent court of other state on the ground of the facts of non-performance, inefficiency, doubtful integrity, conduct of

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Page 6 of 9

Petition No. 887 Dated 18/01/24
[Signature]
 Signature of H C C



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 28/01/2022
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 C.O. No. 184-09/1977/MUM/2022

unbecoming public servant and/ or non- existence of court for justice. The supper structure building and establishment maintained out of public fund as court of law but actually working as unlawful syndicate for providing peaceful shelter to the miscreant as save heaven is a kind of scam and serious scandal. Hence, it should be derecognized or reformed and restored for best interest of public and country.

8. **That** your petitioner also think that the aforesaid wrongful prosecution pending for justice for twenty one year long period by unlawful means due to abuse of power of the responsible public servants for taking actions or inactions is a fit and proper case for application of the Article-143 of the constitution of India considering the question law sand facts already stated and explained in earlier petitions in details. In brief, the District Magistrate (DM) being the Chairman of that district leprosy society also hold the post of the district vigilance officers(DVO) and other post of the district availed grant in aid sanctioned by the President of India disbursed through the MOH & FW,GOI with specific terms and conditions about utilization of the that granted fund and supervision and monitoring thereof as per Article 149,150 and 151 of the constitution general financial rule (GFR) applicable thereon The petitioner rendered his professional services honestly and appropriately and furnished his audit report on the annual financial statements of the society duly authenticated by the chairman and member secretary as per the law, rules,regulation and guideline applicable thereon. As per usual habit and modus operandi of corrupt beauro crates DM/DVO/DEO/Chairman and other office bearer of the

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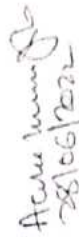
Recd. by
28/06/2022
ALOKE KR. JHA
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Bihar, Patna, U.B. Nagar
En. No. 10811977, 14/05/2022

society who are master for their own wrong and unlawful activities and solely responsible for this unlawful prosecution to make scapegoat to hide their own crime and thereafter using their unlawful syndicate for abusing of power and influence for delaying and/or denying of justice.

9. **That** providing opportunity of being heard to the petitioner and victim of this unlawful prosecution with diligence, patience and applying judicious mind to the facts and issues stated in his petitions and written statement under section 313(5) of Cr.P.C. as per the direction of Hon'ble Supreme Court of India given on 18.04.2022 in Lakhimpur – Kheri Violence case regarding the right of the victim to be heard and to participate in criminal proceedings and the principles and grounds laid down in article 14 and 21 of the constitution of India. The written statement u/s. 313(5) of Cr.P.C. having 34 pages submitted on 24.04.2020, but not found in record for supply of copy against prayer may be due to undesirable ground tactfully stated thereof in the Court order No.-85 of that date is enclosed herewith marked as Annexure – A.
10. **That** your petitioner most respectfully pray to your honor for providing opportunity for production of relevant documents and for furnishing necessary information and explanation to clear all the doubts of Ld. Court and to establish the truth, the essence of the trial, for rectification of the order of Judgment passed on 26.06.2020 with relevant and meaningful observation to the facts and all issues raised thereof in the petitions and for disposal of long pending prosecution as early as possible within this month.

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Petition No. 487 Dated 18/01/24
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Signature of H.C.C.


 28/06/2022
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 S.N. No. - WB-109111977 9434052474

Under the circumstance stated above your appellant prays for hearing of the petitions on urgent basis and passing on rectification order or orders as may deem fit and proper with relevant and meaningful observation considering the views and directions given by Hon'ble Supreme Court of India on 18.04.2022 in Lakhimpur – Kheri violence case.

And your appellant above named as in duty bound shall ever pray.

VERIFICATION

The contents of the above petition are all true to the best of my knowledge, no part of it is untrue or false, I concealed nothing. I put my signature on this 28th day of June, 2022 at court premises at Raiganj.


EXAMINED BY