

DATE: 2ND OF OCTOBER 2020

TO,
THE HON'BLE CHIEF JUSTICE
HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH,
LUCKNOW,
UTTAR PRADESH

RESPECTED LORDSHIPS,

"The prestige of the judiciary and their reputation for stark impartiality is not at the disposal of any government. It is an asset that belongs to the whole nation".

This was a great utterance by **Lord Devlin**. This country is happy to note that in the time of crisis or amidst crisis, the action taken by the Hon'ble High Court at Allahabad Lucknow Bench is highly commendable.

On this day of birth anniversary of Mahatma Gandhi, our national father 'Bapu' and after celebrating the 73rd Independence, we are still devoid of true Independence. While fighting with the external forces for more than 100 years at least our forefathers were confident of one thing that they will be able to eradicate the foreign force some day from this land and will achieve not only SWARAJ, infact PURNA SWARAJ. But today we are assured of one thing that our fight is a perennial one but we don't know whom to eradicate now, because we have to fight with our own people.

This unfortunate and an inhumane incident of HATHRAS, UP has jounced each and every citizen of this country specially the way the Police and the Administration has dealt the case by violating each and every prescribed procedures of the law of the land. To the utmost shock is that the police authority along with the DM of Hathras has very explicitly made a mockery of judicial system and made people believe that Police and DM can do anything and they are above law. The DM and police officials in UTTAR PRADESH are

acting as De facto courts. The entire village is collapsed. The entire family is under lock and key in a way neither the members of the Parliament nor the medias, even the lawyers are also not allowed to meet the family members of the victim. The police has already prejudged the issue by uttering that this is not a rape. It is not amenable to reason when the law of the land has permitted to the police or the forensic department to take such decision or come to a conclusion on the basis of the so called evidence. This is itself an alarming and should be condemned and discarded the entire affairs casting, aspersion against the neutrality of the administration

This present brutal act of police and administration may without any doubt be compared with the same incident when our real heroes and freedom fighters Shaheed Amar Jawan BHAGAT SINGH, SUKHDEV AND RAJGURU were hanged and due to the fear that some movement should not be flown after the execution, the British first bitten their dead bodies and then filled it in sacks and took them towards Ferozpur, where they were burned by putting kerosene oil and burning them.¹

The people of the village saw the fire burning so close. Fear of this, the British threw the fragments of their dead body in the Satluj river and fled. When the villagers came near, they collected their dead bodies and duly cremated them. Unfortunately, administration changed but the oppressive rules and methods are still same.

Your lordships raised a ray of hope amongst the citizens of this country by taking suo moto cognizance of this incident and registering this matter under the heading Public Interest Litigation which itself proves that your lordships has considered the matter not on a basis on any specific individual instead it is on

¹ <https://medium.com/@Disturbbing/untold-secret-about-deadbody-of-bhagat-singh-2fa439c336e1>

the basis of the national importance in regard to the role played by the police and administration in criminal justice system.

This letter is in regard to bring your lordship's kind attention that how the state authorities are reluctantly violating this Hon'ble Court's direction of ensuring that no coercion, influence, or pressure is exerted upon the family members of the deceased in any manner or by anyone.

As per the news published in **THE WORLD NEWS**², **DIVYA BHARAT**³, **TOP INDI NEWS**⁴ and video footage of the brother of the victim circulated in social sites by **TIMES NOW**⁵ and also by other broadcasting channels, it has been submitted by the brother of the victim that the district administration was intimidating them and not letting them leave their area in the village or talk to the media.

"Police have blockaded us from all sides, roofs, lanes and in the village. They are not letting us out," the victim's brother told reporters.

He was able to speak to the media after sneaking past the police cordon and taking a route through fields.

The boy also said that the administration had snatched the mobile phones of all family members and that they were unable to contact others.

He also alleged that the District Magistrate had kicked his uncle in the chest, following which he fainted.

It is pertinent to mention herein that your lordships has fixed a date of **12th October 2020** for the appearance of deceased family members and as wells as officials also, but the situation is so grave and alarming as it is apparent from the

² https://theworldnews-net.cdn.ampproject.org/v/s/theworldnews.net/amp/in-news/hathras-case-family-alleges-intimidation-by-officials?usqp=mq331AQFKAGwASA%3D&_js_v=0.1#aoh=16016297718566&referrer=https%3A%2F%2Fwww.google.com&_tf=From%20%251%24s&share=https%3A%2F%2Ftheworldnews.net%2Fin-news%2Fhathras-case-family-alleges-intimidation-by-officials

³ <https://divya-bharat.com/hathras-case-family-alleges-intimidation-by-officials/>

⁴ <https://topindinews.com/india/hathras-case-family-alleges-intimidation-by-officials/>

⁵ <https://www.facebook.com/Timesnow/videos/391312075369368/>

media for which the next date of hearing on 12th of this month will be too late and justice would be denied for such delay looking at the present situation it is humbly requested to prepone the date of appearance as the deceased victim's family are under pressure and their life may also be at risk. Even a delay for an hour or even for a minute can play a vital role in destroying the evidence. Due to the police and DM the matter is already progressing on the path of ***Aarushi-Hemraj Murder Case***. The **UNNAO RAPE CASE** is also one such incident which cannot be ignored by your lordship. There is a famous saying that ***prevention is always better than cure***. Common people of this country has only one faith left to them and that is JUDICIARY. Your lordships will have to protect the right of the citizen guaranteed under the Constitution of India. The family members of the deceased shall also be given protection under **CRPF**. The suspension of the said officers is nothing but just an eye wash so that the state can represent themselves before your lordship by saying that they have taken action against the erring officials. Consistent and relentless failure of law and order cannot be overlooked every time. Judiciary has to be vigilant enough so that executive and legislative must be cautious enough while breaking the law and order in the society. This Hon'ble court has raised the expectation of common man while adjudicating **Dr. Kafeel Khan's Case**. Justice must prevail but as per law not by the way of kangaroo court system or Khap Panchayat System. The rule of law has to be upheld.

It is humbly requested that your Lordships should initiate suo moto criminal contempt proceedings against those erring police officials and DM who is wilfully and deliberately violating your lordship's direction of ensuring that no coercion, influence, or pressure is exerted upon the family members of the deceased in any manner or by anyone. Your lordship's timely action against the

violators of law of the land may help to secure the life of the victim's family and may help to prevail the hope of justice in the eyes of the citizens.

Therefore I humbly pray before your lordship to kindly consider my prayer on a ground of national importance while providing justice in criminal justice system.

PRAYER

YOUR LORDSHIP MAY GRACIOUSLY BE PLEASED TO

1. PREPONE THE DATE OF APPEARANCE ATLEAST FOR THE DECEASED VICTIM'S FAMILY SO THAT THEY CAN NARRATE THEIR VERSION OF INCIDENTS AND FACTS BEFORE THEY COME UNDER ANY PRESSURE OR COERCION.
2. PROVIDE THE SECURITY OF THE DECEASED VICTIM'S FAMILY UNDER CRPF.
3. TO INITIATE CRIMINAL CONTEMPT PROCEEDING AGAINST ALL ERRING POLICE OFFICIALS AND THE CONCERNED DISTRICT MAGISTRATE FOR WILLFULLY AND DELIBERATELY VIOLATING THE SPECIFIC DIRECTION OF ENSURING NO COERCION, INFLUENCE, OR PRESSURE IS EXERTED UPON THE FAMILY MEMBERS OF THE DECEASED IN ANY MANNER OR BY ANYONE VIDE YOUR LORDSHIP'S ORDER DATED 01.10.2020.

I shall be highly obliged if the prayers made out in this letter be considered by your lordships, I will consider it to be my assistance not in the capacity of an individual person but as an officer of the court and will always at the disposal of the Hon'ble Court to provide any assistance as per my limited knowledge of law.

Humbly praying for your Lordships urgent intervention .

MOST SINCERELY,

**KULDEEP RAI,
ADVOCATE
SUPREME COURT OF INDIA
SCBA:5137/R/669**

Copy to :

- 1. HON'BLE MR. JUSTICE RAJAN ROY
HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH,
LUCKNOW,
UTTAR PRADESH**
- 2. HON'BLE MR. JUSTICE JASPREET SINGH
HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH,
LUCKNOW,
UTTAR PRADESH**