

To,
Hon'ble the Chief Justice
Of
High Court of Judicature at Allahabad,
through its Registrar general of the Court,
Allahabad.

Subject; regarding the scheduled visit of Hon'ble the Prime Minister of India on 2nd April 2017 to participate in closing sesquicentennial function in the premises of Hon'ble court and sharing of dais with Hon'ble Judges of Supreme Court and High Court as well with Judicial officers by the persons having heinous crimes registered against him.

Respected Sir,

It is a great honour for the city of Allahabad that our glorious and historical High Court is celebrating its sesquicentennial celebrations in 2016-17. The Inaugural function was graced by His Excellency the President of India Sri Pranab Mukherjee on 12th of March 2016. Since then the yearlong celebration is going on and is scheduled to be closed on 2nd April 2017 when our Prime Minister Shri Narendra Modi will grace the occasion as chief guest of the closing function. The function held on 12th March 2016 included the Governor and the then Chief Minister Shri Akhilesh Yadav in the list of dignitaries who shared the dais with the Hon'ble judges of Supreme Court and of Hon'ble Allahabad High Court. We the residents of U P and especially the residents of Allahabad city are proud to have the Prime Minister Shri Narendra Modi amongst us in the city. We are doubly joyous for the auspicious occasion because of presence of our Prime Minister amongst us. We pray for a grand success of the event to be remembered in history.

As per the protocol applicable on such state functions the PM of India is provided all the protocols as are provided to His Excellency the President of India. It is known to all that this function will be a public function attended by the people who are invited including His Excellency the Governor, the Chief Minister, the Hon'ble Judges, judicial officers of subordinate judiciary, Advocates and other distinguished dignitaries etc.

It is known to you sir that Shri Adityanath has taken over as the Chief Minister of Uttar Pradesh recently. It is apparent that as per the protocol and in continuation of previous practice the Chief Minister will share the dais with all these dignitaries.

Our concern is centered upon the sharing of dais by the present CM Shri Adityanath with all the judges of Hon'ble Supreme Court and Allahabad High Court, judicial officers of subordinate judiciary, Advocates and other distinguished dignitaries etc. because he has a long history of criminal cases pending before various courts subordinate to Allahabad high court. The

H.C. Alld.

Syadw
24/3/17

4:20 P.M

Ms
24.3.17

इलाहाबाद के प्रबुद्ध नागरिकों ने मा० उच्च न्यायालय के मुख्य न्यायाधीश को एक पत्र लिखकर अनुरोध किया है कि उच्च गंभीर किस्म के आपराधिक वादों व दर्ज प्राथमिकी आदि के कारण प्रदेश के मुख्य मंत्री को उच्च न्यायालय के 2 अप्रैल के प्रस्तावित कार्यक्रम में न आमंत्रित किया जाय।

ज्ञातव्य है कि इलाहाबाद उच्च न्यायालय के 150 वर्ष पूरे होने के समापन समारोह में मा० प्रधान मंत्री एवम् भारत के सर्वोच्च न्यायालय के मुख्य न्यायाधीश समेत कई उच्च न्यायालयों के मुख्य न्यायाधीश, अवकाश प्राप्त न्यायाधीश, राज्यपाल, न्यायविद आदि आ रहे हैं। पत्र के उन 22 प्राथमिकी की सूची दी गयी जो गंभीर किस्म के हैं, और मोरखपुर के विभिन्न धारों में दर्ज हैं। इन आपराधिक केसों के अलावा मा० मुख्य मंत्री जी के विरुद्ध मोरखपुर में दंगा करवाये के लिये उसकी सी०बी०आई० द्वारा जांच करवाने की याचिका लंबित है।

मा० सर्वोच्च न्यायालय ने कतिपय याचिकाओं में यह स्पष्ट आदेश दिया है कि संसद एवम् विधान सभाओं के निर्वाचित सदस्यों के विरुद्ध यदि कोई आपराधिक वाद लंबित है तो उसे शीघ्रता शीघ्र और सर्वोच्च प्राथमिकता के साथ निस्तारित किया जाय।

इस विधिक प्रस्थापना को मा० उच्च न्यायालय ने भी अपने निर्णयों में स्वीकार किया है।

मा० मुख्य मंत्री के विरुद्ध इतनी गंभीर ~~अ~~ आपराधिक वादों के चलते न्यायापालिका के उच्च आसन पर बिठाना न्यायपालिका के सम्मान को ~~हानि~~ गिराना होगा। यह न्यायपालिका के निष्पक्षता व पारदर्शिता पर भी प्रखर चिह्न लगाता है।

पत्रक पर हस्ताक्षर करने वालों में प्रमुखतः ~~श्री श्री श्री~~, एड०, अंशु मालवीय, सामाजिक कार्यकर्ता, ओ०डी० सिटि पी यू सी एल, डा० आशीष मिन्तल राजनीतिक कार्यकर्ता, आर०बी० टिवेदी, डी०बी० यादव, के० के० राय, एडवा० के० एस ।

पत्रक भेजने का संयोजन व हस्ताक्षर अभियान श्री जावेद मोहम्मद द्वारा किया गया

संलग्नक :

मा० मुख्य न्यायाधीश को
प्रेषित पत्रक

जावेद मोहम्मद
9936929000

Because of the presence of Shri Adtyanath as a guest on stage in Allahabad high Court will undermine the majesty and independence which it holds in the eyes of masses as their sole protector. This Court had pronounced so many judgments against so many high ranking politicians and others which had put it on the highest pedestal in the judicial arena world over. As we all know that an independent Judiciary is the one that does not make decisions on the basis of political factors and exigencies but on the facts and law on each case against any one high or low without fear and favour.

It is therefore most humbly and respectfully prayed that Shri Adityanath the Chief Minister of Uttar Pradesh shall not be invited as guest in the function going to held in the premises of Allahabad High Court on 2nd of April 2017 considering his criminal antecedents where serious criminal cases of heinous nature are pending against him. It is further requested that in view of his antecedents and pending heinous criminal cases against Shri Adityanath a high level judicial probe be also made part of pending Criminal Writ PIL no. 24343 of 2013 Ashutosh Gupta vs. State of UP and others.

We the under signees will always be indebted for a favourable action in this regards.

9415985414 — Allahabad — KK Roy Adv.
High Court
9936929000 — 5) — Javed Mohd
Social Activist
आउम दत्त सिंह
सामाजिक कार्यकर्ता
2) अंशु मालवीय
सामाजिक कार्यकर्ता
1) Dr. Asheem Mittal
1) RBhivedi
Advocate
AIR-0716/2012
1) V.B. Yadav Adv.
A/V 0123/2012
1)

dated 24-3-2017

list of cases which were registered and pending before various courts were admitted by Shri Adityanath in his affidavit submitted along with his nomination paper in 2014 while contesting election of MP from Gorakhpur parliamentary constituency in U P. The affidavit of Shri Adityanath dated 22.04.2014 is enclosed as enclosure 1.

Several other cases are also registered against him but the details had not been disclosed in this affidavit dated 22.04.2014 (enclosure-1). The details of other cases registered against Shri Adityanath are as follows;

1. Case Crime no. 58/2007 under section 436 IPC P. S. Tiwaripur Gorakhpur.
2. Case crime no. 99/2007 under section 436, 143, 427 IPC P. S. Gorakhnath Gorakhpur.
3. Case crime no. 36/2007 under section 435, 436, 143, 427, 336 IPC and section 4 of Public Property Damages Act P. S. Ghagha Gorakhpur.
4. Case crime no. 99B/2007 under section 435, 436, 143, 427, 336 IPC P. S. Gorakhnath, Gorakhpur.
5. Case crime no. 37/2007 under section 436, 295, 143, 427, 341 IPC and 7 criminal law amendment Act P. S. Ghagha, Gorakhpur.
6. Case crime no. 9/2007 u/s 143/153A, 295, 436, 427, 436, 188 IPC and 7 Criminal Law amendment Act PS Balghat Gorakhpur.
7. Case crime no. 57/2007 under section 436, 147, 336 IPC P. S. Tiwaripur, Gorakhpur.
8. Case crime no. 99D/2007 under section 436, 427 IPC P. S. Gorakhnath Gorakhpur.
9. Case crime no. 99E/2007 under section 436, 427 IPC P. S. Gorakhnath Gorakhpur.
10. Case crime no. 99F/2007 under section 436, IPC P. S. Gorakhnath Gorakhpur.
11. Case crime no. 144/2007 under section 153-A, 427, 295-A, 436 IPC and section 7 CrI Law Amendment Act and 2/3 of the U P Gangsters Act, P. S. Cant, Gorakhpur.
12. Case crime no. 99A/2007 under section 435, 323 IPC and undr section 3/4/ Lok Sampatti Niwaran Adhiniyam 1984 P. S. Gorakhnath Gorakhpur.
13. Case crime no. 99C/2007 under section 427 IPC P. S. Gorakhnath Gorakhpur.
14. Case crime no. 99G/2007 under section 435, 428, 427 IPC P. S. Gorakhnath Gorakhpur.
15. Case crime no. 37/2007 under section 147, 323, 504, 506, 336 IPC P. S. Kotwali, Gorakhpur.
16. Case crime no. 40-A/2007 under section 147, 148, 149, 323, 307, 504, 506 IPC P. S. Gorakhnath, Gorakhpur.
17. Case crime no. 37-A/2007 under section 147, 323, 504, 506, 336 IPC P. S. Gorakhnath, Gorakhpur.
18. Case crime no. 16/2007 under section 147, 153-A, 295, 435, 188, 504, 506, 336 IPC P. S. Kotwali, Gorakhpur.
19. Case crime no. 41/2007 under section 147, 332, 353, 427, 426 IPC P. S. Sahjanwa, Gorakhpur.

20. Case crime no. 65/2007 under section 147, 153-A, 295, 427, 506 IPC P. S. Ghagha, Gorakhpur.
21. Case crime no. 20/2007 under section 147, 153-A, 295-A, 323, 336, 504, 506, IPC P. S. Uruwa, Gorakhpur.
22. Case crime no. 2776 of 2008 of police station Cant Gorakhpur under section 153/153A/153/B/295/295B/147/143/395/436/435/302/427452 I P C and under 7 Criminal Law Amendment Act.

Besides above cases one writ petition is pending before the Allahabad High Court as Cri Writ no 21733 of 2008 (Parwez Parvaz vs. State of UP and others). In this writ petition a prayer has been made that investigation, of case crime no. 2776 of 2008 of police station Cant Gorakhpur under section 153/153A/153/B/295/295B/147/143/395/436/435/302/427452 I P C and under 7 Criminal law amendment act registered on 2nd November 2008, be entrusted to some independent agency and not by Crime Branch or by Criminal Investigation Department. In this case Shri Adityanth as well a local MLA the Mayor of Gorakhpur Smt Anju Chaudhry and one Shiv Prasad Shukla were the named accused persons.

This will also be placed in your Honour's notice that the FIR of case crime no. 2776 of 2008 was registered after a direction issued by Hon'ble Allahabad High Court on 26th September 2008 as published in **2008 (63) Allahabad Criminal Cases page 381 (Parwez Parvaz vs. State of U P and others)**. After passing of the order by Hon'ble High Court the FIR was registered on 2nd November 2008 and investigation started by the police. Later on the matter was transferred to crime branch for investigation by the order of State Government dated 3rd November 2008. During the pendency of above noted writ petition an affidavit of compliance was filed by the investigating officer of case crime no 2776 of 2008 dated 24th April 2015 stating that, "...on the basis of the statements of the witnesses and the cogent, ample and sufficient evidences, the investigating officer has prepared a Draft Final Report (DFR) and sent on 09.04.2015 to its higher official for its approval and the same is still awaited."

Against the order of Allahabad High Court dated 26th September 2008 Smt. Anju Chaudhry one of the accused in case crime no. 2776 of 2008 of police station Cant Gorakhpur under section 153/153A/153/B/295/295B/147/143/395/436/435/302/427452 I P C and under 7 Criminal law amendment act and others approached the Supreme Court by filing Appeal no. 2039 of 2012 (arising out of SLP (Crl) No:9475 of 2008) Anju Chaudhry vs. State of Uttar Pradesh and others. This SLP was finally dismissed by Hon'ble Supreme Court while affirming the judgment of Allahabad High Court dated 26th September 2008 [2008 (63) Allahabad Criminal Cases page 381] vide its order dated 13th December 2012 **[(2013) volume 6 Supreme court Cases, Page 384. Anju Chaudhry vs. State of U P and others]**.

In 2007, when Shri Adityanath was arrested and kept in lock-up, Gorakhpur and its neighbouring districts witnessed at least 22 major riots, most involving him or his henchmen.

These arrests, in fact, were the only time the police showed some spine in dealing with him and his outfit. The crackdown was in response to Hindu-Muslim riots that had erupted in and around Gorakhpur, caused primarily by a toxic campaign of communal politics by Shri Adityanath and his group in the run-up to the Assembly elections in 2007. Two persons were killed, property worth crores was burnt, and the area remained under curfew for several days during that January-February period.

Shri Adityanath and over a dozen leaders of the Hindu Yuva Vahini were arrested while they were marching towards the troubled areas of Gorakhpur on January 28, 2007, a day after he made an inflammatory speech aimed at turning a small criminal incident into a communal riot. The arrest was timed so as to prevent the group from carrying out its threat of burning the tazia—a part of a Muharram procession on January 29. Shri Adityanath remained in lock-up till February 7, when he managed to get bail.

An independent judiciary is the shield of Constitutional democracy and our deep anxiety is that the same may not be compromised in unawareness.

It is held by Supreme Court in its judgment dated 2.1.2017 in civil appeal no 37 of of 1992 (Abhiram Singh vs. C. D Commachen) that, "If the Constitution requires the state to be secular in thought and action, the same requirement attaches to political parties too." It further held that, "Under our Constitution, no party or organization can simultaneously be a political and a religious party".

It is also to be brought to Your Honor's notice that Allahabad High Court is presently seized of a case (Criminal Writ PIL no. 24343 of 2013 Ashutosh Gupta vs. State of UP and others) of very serious nature where the politicians, Parliamentarians' and Legislators having hefty criminal cases of heinous nature and no action was taken by the State against those persons.

Considering above state of affairs, and the heinous criminal cases either pending or likely to be decided by the lower judiciary, (may be some cases were already decided) will it be appropriate to accommodate such a person with the Hon'ble Judges of Supreme Court, Allahabad High Court and the Judges of lower judiciary upon the dais and that too in the premises of Allahabad High Court. It will create deep adverse demoralising effect upon the morals of judges of lower judiciary who had to decide the criminal cases against Shri Yogi Adityanath in future. On the other hand it is a well settled principle world over as well in India that people having criminal records must be kept away from Judiciary. They will know and watch Shri Adityanath accompanying the Judges who are superior to them and they adore them as icons it be creating an adverse effect upon them and also will give wrong signals to the people of the country.

The presence of Shri Adityanath will also undermine the prestige and independence of the institution of Prime Minister of India.