

Written by कुमर सौवीर
Monday, 16 October 2017 23:49

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0000 : नाम: जया पाठक पेशा: वादकरियों क इंसाफकरना कर्यस् थल: यूपी क उन् नाव जलिा पद: अपर जलिा वं सेशंस जज मौजूदा
हालात: नलिम्बति करण: देहरादून के कथाने में क सपिाही के थप् पड़ मारना घटना केनेपथ् य में मूल करण: पुलसिवालॉ द्वारा पाशवकि तरीकेसे
अभद्र और अश्ल लील गालियां देते हु जया पाठकके सामने ही उसकेबेटे के पीटना मौजूदा हालात: उत् तराखंड पुलसि की मनमर्जी और हाईकोर्ट की
खामोशी

संक्षेप में यही कहानी है उस जया पाठककी वह जया की कहानी और शौर्य-गाथा, जो कभी लखनऊ से लेकर उन् नाव समेत कई जिलों में पूरे गर्व के
साथ गायी और सुनायी जाती रही है अच् छे-खासे वकील तकपूरे सम् मान केसाथ जया क नाम लया करते थे बताते थे कि केवल अपने
कर्य-दायति व और कर्य-कुशलता ही नहीं, बल्कि अपने व यवहार के लेकर भी जया मशहूर हैं न यायकि जगत में जया पाठकक नाम सर्वोच् च
भले ही न हो, वरना चंद श्रेष् ठ न यायकि अफसरों में जया पाठकक नाम जरूर शामिल है

लेकिन अब तो उसका नाम कनहायत संवेदनशील, भावुक, लड़ाकू महिला केतौर पर भी पहचाना जा रहा है वजह है, अपने बेटे के त् वरति-न् याय
दलाना फस् ट-ट्रैककोर्ट की अवधारणा क संक्त् प के साकर करते हु लेकिन आज वही जया पाठक आज अपने साथ हुई बेइंसाफी क सामने कर
रही है हालांकि इस बारे में जया पाठकने कभी शब् द नहीं नकिला है, लेकिन हालात बता रहे हैं कि जो इंसाफजया पाठकके मलिना चाह था, उसका
रत् ती भी जया पाठककेहस्ि से में नहीं आ पाया वह भी तब, जबकि उपर न यायकि अधिकिरी संघ केअधशिासी सदस् य सुनील कुमार सहि ने इस
बारे में बाक्यदा अपनी पैरवी तककी दी सुनील सहि ने अपने संघ केअध् यक् के 27 सतिम् बर-17 के लिखे कपत्र में इस बारे में इंसाफकी बात
कहते हु हाईकोर्ट से गुहार लगायी थी

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डॉ सुनील कुमार सहि क इस बारे में लिखा गया पत्र नमि नवत है:-

Written by कुमर सौवीर
Monday, 16 October 2017 23:49

Dr. Sunil Kumar Singh,

Member Executive UPJSA ,

Civil Judge Senior Division (FTC), Unnao

To:

The President,

UPJSA

Dated: 27.09.2017

Subject:- Information in Respect of the Incident of Misbehaviour by the Police Personnel of Dehradun (Uttarakhand) Police taken place at Police Station Prem Nagar, Dehradun, Uttarakhand.

Sir,

It is most humbly to submit with utmost regards that Smt. Jaya Pathak who was working as Principal Judge, Family Court at Unnao has been suspended by the orders of the Hon'ble Allahabad High Court had always been sincere towards her works and duties as a Judicial Officer ever since she had been appointed as Judicial Officer and had discharged her duties to the utmost satisfaction of her superior authorities and earned 'very good' and/or 'excellent' remarks to her credit.

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It is also important to submit that with a view to participate in 'Shraddh' (ceremonial offering) of her late father, she had to go to her brother's place at Ghaziabad. For leaving the station for Ghaziabad, on 11.09.2017 she applied for leave and permission to leave the station and proceeded for Lucknow where she was to be joined by her husband and younger son. Later, she boarded Lucknow Mail from Lucknow to go to Ghaziabad.

On 11.09.2017, when the train was about to leave the Lucknow Railway Station, the elder son viz., Rohan Pathak who is pursuing the B.A. LL.B. course at University of Petroleum and Energy Studies, Dehradun and was currently in its third year, called on her mobile that a violent brawl/ clash had taken place between two groups of the students and in the said brawl he (i.e., Rohan) and his friend viz. 'Ayush' had got injured. It was also informed that a group of students, who were about 30-35 in number, brutally attacked Rohan and his friend. Some of the members of the said group were students of the aforesaid institution and some were outsiders; all of them were armed with sticks, bats, and iron rods while one of them was carrying 'knife' and another was carrying 'firearm'. After hearing the aforesaid information of the said attack on her elder son, being helpless to extend any prompt help from a too remote place, the hapless and helpless parents consoled their son and instructed to get necessary medical treatment and proceeded with the journey with their heavy hearts.

Dr. (Smt.) Jaya Pathak reached her brother's place at Ghaziabad in the morning of 12.09.2017 about 7:00 a.m., and, just after getting fresh, she accompanied by her husband, immediately left for Dehradun with a view to see the conditions of Rohan. Later on, at about 10.00 a.m. on that day, Rohan again called she that the police had taken him and his friend Ayush in their Jeep to the Prem Nagar Police Station. On enquiry about the reason for their so taking to the Police Station, she was told that the concerned Police personnel have told them that they are taking them to Police Station for the purposes of some enquiry in the matter of the aforesaid brawl/clash taken place the last night. Rohan had also informed his parents that on 12.09.2017, before being taken by the Police, the said group of students/boys had again attacked him and his friend Ayush and had caused serious injuries to Ayush and him also.

When she and her husband were about to reach Dehradun, some friends of Rohan had called the husband of she that the Station Officer of Prem Nagar Police Station viz., Mr. Naresh Rathore and other police personnel of the said Police Station had taken Rohan to one room situated in the back side and he was being brutally kicked, rammed and beaten by belt also, and they could be able to hear his cries. Hearing the aforesaid pitiful situation of their son, she and her husband rushed to Prem Nagar Police Station and reached there at about 02:00 p.m. where they saw that there was a huge gathering of so many students/boys and other people near the Police Station. After reaching there, she and her husband remained outside the premises of Prem Nagar Police Station and enquired from his friends about their son Rohan. Upon hearing the voices of his parents, Rohan tried to reach her and her husband crying

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remorsefully; but in the midway, the police personnel, some of whom were in civil dress, on the instructions of said Mr. Naresh Rathore, caught him and started beating and thrashing. Seeing such brutal treatment of Rohan at the hands of Police personnel, she and her husband tried to cover up their son and in their said effort, they also were thrashed by the police personnel and nearly dragged Rohan and his father inside the Police Station by beating them. By that time, she was outside the premises of Prem Nagar Police Station, but seeing the said manhandling of her son and husband by the said police personnel, she-a poor and hapless mother and wife, rushed behind his son and husband in her feeble effort to save them from the brutal hands of Mr. Naresh Rathore and his team, by starting questioning about the reasons of the same and wanted to know that what was the offence of her son for which he was being beaten so brutally like any hardcore criminal. However, the Police have no right or authority to beat, thrash or manhandle even any hardcore criminal lest a poor student who has been attacked by a group of rowdy boys/students over some trifling issue. Being put to the said questions put by the humble applicant, the police personnel headed by said Mr. Naresh Rathore got annoyed and on the instructions of Mr. Rathore, one of those tried to catch hold the arm/wrist of she and tried to snatch her mobile phone while another police man punched on her back due to which she somewhat fell on the earth. In reflex to the said unwelcoming and illegal touch and use of force, she who was already grieved by the brutalities of Mr. Naresh Rathore and his police team, slapped the police man who had tried to catch hold her wrist/arm thereafter, some other policemen, some of whom were in civil dress, started filming her.

Thus, being faced with the legitimate questions of an aware citizen, the brutal and unruly police of Prem Nagar Police Station, Dehradun headed by said Mr. Naresh Rathore started to distract the attention of all the aggrieved persons who were victims of their brutalities and misdeeds, from the core issue of illegal police activities and diverted it to aforesaid reflex action of alleged slapping by her and started blackmailing her. The mobile phones of her and her husband were taken away from them, and the mobile phone of their son Rohan was already with the police of Prem Nagar, Dehradun.

Thereafter, she went inside the Police Station and saw there that some policemen were brutally beating her son thereupon she asked that why they were beating her son Rohan, what was his fault, thereupon, by using filthy language and abusing her, they replied that 'abhi to bas maar rahe hain, ab dekhna aage kya-kya hota hai' (right now, we are only beating him, just see further, what are next in the line). Subsequent thereto, we saw that after laying Rohan on the ground, few policemen, some of whom were in civil dress, started kicking, ramming and beating him by canes sticks. Seeing the said brutality towards her son, she-a poor and hapless mother, rushed towards Rohan in order to save him but, in her said effort, she also was subjected to the similar brutality by the police personnel. Thereupon, her husband rushed to save his son and wife from the aforesaid brutality, but he also was given the same treatment by the Police team headed by Mr. Naresh Rathore.

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Subsequent thereto, Mr. Naresh Rathore, came to her and dragged her by holding her hand and saying, 'andar chal, dekhien tu kitni tez chhej hai' (come inside; let's see how sharp you are). Thereupon, she twitched her hand and said to Mr. Rathore, 'kisis aurat ke sath jara tameez se baat karo, tumhe nahin pata ki main maa hone ke sath ek Judge bhi hoon' (behave properly with a lady, you don't know that besides a mother, I am a Judge also). Then, Mr. Rathore replied to her saying that 'abhi teri Judgee nikalata hoon aur tujhe batata hoon ki Police kya cheej hoti hai aur tujhe teri Judgee ki aukat dikhata hoon' (right now, I will take out the Judge from you and make you know that what is Police, and make you understand that what is the power/status of a Judge). After that, using abusive and filthy words and language, Mr. Rathore said 'Chal uth, tum sab U.P. wale bade nautankibaaz ho...' (Just get up, you people from U.P. are great gimmick).

Thereafter, three women police constables caught hold of her and made her to sit on a chair in the room of the Station Officer Mr. Naresh Rathore where he said that 'Saali main tere saare daant tod dunga, agar tu mere khilaaf kuchh bhi boli to' (You I will break your entire tooth, if you will speak anything against me). Then some other policemen and media persons also came there; then Mr. Naresh Rathore said that 'agar kuchh bhi boli to tere bête ko jail ki aisi hawa khilaunga ki tu kahin muhn dikhane ke kabil nahin rahegi' (if you will utter a single word, I will cause you son to go to jail for such a thing, you would not be able to face the world). Subsequently, upon being instructed by Mr. Naresh Rathore, three women police constables grabbed her, brought to her vehicle/car and pushed her inside; and stood by the gate of the car. They said to her that 'agar tu Inspector Sahab ke bare me kuchh bhi kaha to tuje itna maarengi ki tu wapas jaane ke layak nahin rahegi aur tere pati va bête ko jail me sada denge' (If you speak anything about/against the Inspector i.e., Mr. Rathore, we will beat you in such a way that you won't be able to go back to your place and your husband and son shall perish in jail).

She and her husband and son were made hostage at Prem Nagar Police Station till about 10:00 pm. In the meantime, her husband anyhow managed to inform his family members and well wishers about the aforesaid incident. Subsequently, Mr. Naresh Rathore, Station Officer of Prem Nagar Police Station, Dehradun started exerting pressure to settle/compromise with the opponents. Apart from the aforesaid misdeeds on the part of the Prem Nagar Police done with her family, a short video clip out of the entire filmed/recorded by the police and media persons at Prem Nagar Police Stations purportedly showing the alleged 'slapping of policeman by her' had been aired just in order to malign her image. It is important to submit in that entire episode in and around the said Prem Nagar Police Station has been recorded/filmed by the police personnel or the media persons but selectively only a clip of about 30 seconds duration was aired on media and not anything else.

Subsequently, some spirited people and media persons who had witnessed the said incident and recorded it with their mobile phones or otherwise, came forward and made available the

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clips which shows the actual reason and background which culminated in the aforementioned much hyped incident of alleged slapping of police personnel by her. Some clippings/images and articles throwing other side of the story have been made available to the family member(s) which was annexed with her application in appropriate media to the Hon'ble High Court .

The police personnel of Uttarakhand posted at Prem Nagar Police Station headed by said Mr. Naresh Rathore had subjected her and her son and husband with brutality physical as well as mental, which amounted to not only offence(s) defined under various provisions of Indian Penal Code, 1860 but also amounted to denigrating the dignity and integrity of the office of a Judge of Court of Law subordinate to the Hon'ble Court.

She had further begged the leave to submit that she had the greatest respect and utmost regard for their Lordships of the Hon'ble High Court and the authority of the Judgeship under whom she discharges her duties and she had never ever attempted nor shall ever attempt, in thought, word or deed to conduct herself in a manner which may be construed as even slightly undermining the dignity of the Court and majesty of law. She had tendered her unconditional and unqualified apology for the act or omission, word or deeds, if any, of her which their Lordships may construe, as anything amounting to undermining the authority of their Lordships, the Judgeship and law.

The court while resolving the issue had requested the Director General of Police, Uttarakhand to register an FIR on the complaint made by the officer. The court had directed the registry to take a follow up action. So far there has not been any progress in this direction. The delinquent officer has unconditionally apologised and confessed of the 'slapping of policeman by her' and the case does not require any further investigation. The police have registered the FIR against the officer but there is no information of any action having been taken against the police. The DGP Uttarakhand is clearly flouting the orders of the court. I therefore, request you take up the matter with the Hon'ble Chief Justice of the Allahabad High court and pray before His lordship for revoking the suspension order of the delinquent officer and for restoring her services to be mentioned in the resolution which is to be drafted in the meeting to be held on 28-09-2017.

Most Humbly and Sincerely

Dr. Sunil Kumar Singh

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Civil Judge (SD) (FTC) Unnao