

From,

Mukta Tyagi,
Civil Judge(Jr. Div)/
Judicial Magistrate,
Shamli.

To,

Hon'ble Administrative Judge,
Shamli.

Subject: - Regarding the problems which are faced by some Judicial officers in Judgeship Shamli.

Respected Lordship,

It is respectfully submitted that I have not followed the circular of Hon'ble High Court C.L. No.40/JR(5)/2007 dt. 17.09.2007 regarding not communicating with the Hon'ble Administrative Judge directly. I humbly apologize for the same. The reason for not complying with the said circular is urgency of the matter and nature of the problems which I am facing in the judgeship are mentioned as under.

1) It is humbly submitted that respected CJM, Shamli Shri Rajmangal Singh Yadav keeps grudge with me and respected Ruchi Tiwari Civil Judge (Sr.Div.) Kairana because since the Session division Shamli is created, he is working as CJM Shamli and slowly and gradually respected CJM, Shamli Shri Rajmangal Singh Yadav started asking favours in judicial orders and when we refused him then he started pressurizing us by sending us the male person whose statements are to be recorded under section 164 cr.p.c specially in the offence related to section 377 IPC. The language used by those male persons used to be very obscene, we requested to respected Shri Rajat Verma ADJ 1st Kairana that the statement of male persons to be sent to male judicial officers, when male judicial officers are available. Respected Shri Rajat Verma ADJ 1st Kairana himself has asked respected CJM, Shamli Shri

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Rajmangal Singh Yadav not to send male persons to female judicial officers for recording of statements under section 164 cr.p.c. as far as possible, but at one instance respected Shri Rajat Verma ADJ 1st Kairana himself has marked a statement of male person to be recorded under section 164 cr.p.c. and directed respected CJM, Shamli Shri Rajmangal Singh Yadav to record the statement himself but respected CJM, Shamli Shri Rajmangal Singh Yadav inspite of the written order of ADJ 1st has sent that male person to respected Ruchi Tiwari CJSO (copy annexed, Annexure-1). It is worth mentioning that it is not the only incident when respected CJM, Shamli Shri Rajmangal Singh Yadav has flouted the written order of senior AdJ. Respected CJM Shamli Shri Rajmangal Singh Yadav used to send all the male persons whose statements were to be recorded under section 377 I.P.C and this was done by respected CJM, Shamli Shri Rajmangal Singh Yadav just to humiliate us. It shows judicial indiscipline on part of respected CJM, Shamli Shri Rajmangal Singh Yadav by not obeying the order of senior ADJ in this regard. This also shows that respected CJM, Shamli Shri Rajmangal Singh Yadav has misused his post by doing Judicial Indiscipline and tried to harass female judicial officers posted here.

Here it is worth mentioning that respected CJM Shamli Shri Rajmangal Singh Yadav started fixing remand duty of respected Ruchi Tiwari Civil Judge (Sr.Div.) Kairana and mine in every alternate months. We requested respected CJM, Shamli Shri Rajmangal Singh Yadav to help us with remand duty by fixing his duty also for remand, on this, he became so annoyed with us that he started fixing our remand duties for 15-15 days i.e. for 1st fortnight respected Ruchi Tiwari Civil Judge (Sr.Div.) Kairana was fixed for doing remand and in the next fortnight, I was fixed for doing remand then again we requested to CJM, Shamli Shri Rajmangal Singh Yadav that it is not fair that every month both of us are engaged for remand and we are not able to do our personal work and being CJM, Shamli Shri Rajmangal Singh Yadav he is head of all the Magistrates, sometimes in urgent situation he can also

fix his duty for remand but he refused outrightly. (Copies Annexed, Annexure-2)

2) It is humbly submitted that respected Shri Rajat Verma, respected Ruchi Tiwari, respected Sudha Sharma and myself are being given demy official letters by respected District Judge Shamli for judicial work that to without any complaint, appeal or revision. (Copies annexed, Annexure-3). Here it is pertinent to notice that the interference in Judicial work by respected D.J. Shamli is there only with the above mentioned 4 Judicial officers to the best of my knowledge because respected CJM, Shamli Shri Rajmangal Singh Yadav has released many vehicles in favour of dead person, and not only this, once respected CJM, Shamli Shri Rajmangal Singh Yadav has given remand in P.S. Kandhla in case crime no. 146/2020, under section 60,63,72 Excise Act, whereas the remand was sought by the Investigating officer under section 60,63,72 Excise Act and section 420,467,468,471 I.P.C. Further he has not recorded any reasons in writing as to why he has omitted the serious sections 420,467,468,471 I.P.C. which are pertaining to life imprisonment, and then after respected CJM, Shamli Shri Rajmangal Singh Yadav went to district jail and released the said accused (copy annexed, Annexure-4). In the above mentioned instance the sheer undue advantage was given to accuseds by respected CJM, Shamli Shri Rajmangal Singh Yadav and such type of orders he wants from us also.

Aforesaid officers and myself are being given D.O letters suo moto by respected D.J. Shamli just to interfere in our judicial work like for instance an application for release of vehicle in case crime no 146/2020 P.S. Garhipukhta under section 307,323,504,506,34 I.P.C. was rejected by me vide order dated 06.02.2021 the said order was passed by me keeping in view the law laid down by Hon'ble Supreme Court in Ram Prakash vs State of Haryana (AIR 1978 sec 1282) I didn't mention the said ruling in my order as it is a well known law. However, respected D.J. Shamli issued a Demi official letter to me stating that my said order was against the law citing another ruling of Hon'ble apex court Sunderbhai Ambalal Desai vs State of Gujrat AIR

2003 sec 638 (Copy annexd, Annexure-5). It is pertinent to mention that both the rulings are of co-equal benches of Hon'ble apex court. Immediately after I received the said Demi official dt. 23.02.2021, monthly meeting of all the judicial officers took place on 25.02.2021 in the chamber of D.J. Shamli where I was humiliated publicly and it was said by D.J. Shamli that "your integrity has become seriously doubtful by not releasing the vehicle in above mentioned instance". It is worth mentioning here that I was not even given an opportunity to explain either in writing or oral as to why I have passed the said order of rejecting the application for release of vehicle. It is also being submitted that respected CJM, Shamli Shri Rajmangal Singh Yadav used to grant bail in heinous offence with serious punishment such as in section 457,380, IPC.etc and not only this respected CJM, Shamli Shri Rajmangal Singh Yadav also released animals under Cow Slaughter Act in favour of accused and there are many other judicial blunders done by respected CJM, Shamli Shri Rajmangal Singh Yadav and he intentionally passes such order in routine manner which are clear examples of misuse of post and power by him. It seems that respected D.J. Shamli has vested interest in respected CJM, Shamli Shri Rajmangal Singh Yadav that is why respected CJM, Shamli Shri Rajmangal Singh Yadav has been appointed as O/C Nazarat inspite of other senior ADJs being available in the district by respected D.J. Shamli (Copy annexd, Annexure-5).

Aforesaid officers and myself are particularly targeted in almost every meeting of Judicial officers and humiliated in front of others who laugh at us. There have been other instances also where we four officers are being humiliated in front of Group-C and Group-D staff of respected D.J. A part from four of us no other judicial officers is being publicly humiliated which is a sheer example of discrimination done with four of us by respected D.J.

3) It is humbly submitted that in the month of December 2020 I was on leave on 17,18,19 and on 20th it was sunday and on 21st as I reported back to the headquarter. I was asked to sign the minutes of meeting of Infrastructure Sub Committee which took place on 19th and when I

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requested that I was on leave on 19th and signing any document in prior date is not right that too when I did not even attend the meeting it is not a healthy practice and I felt that if judicial officers will get involve in such illicit practices then we can't expect a common man to follow the rules, but I was humiliated by respected D.J. and it was said that "You were on C.L. and C.L. can't be claimed as matter of right." Then after I requested respected D.J. Shamli to kindly call the meeting on any such date on which all the members of Infrastructure Sub committee are present in the court but respected D.J. Shamli has refused to do so and I was again humiliated.

It is worth mentioning here that after the above mentioned incident respected D.J. was very annoyed with me and there was a meeting called by respected D.J. on 21.12.2020 in compliance of circular letter 2421/ Main/admin(A-3)Allahabad dt. 19.02.2014. In that meeting respected D.J. have asked Smt. Lalita, the only member of Juvenile Justice Board, Shamli as to the place where the meetings of Juvenile Justice Board, Shamli used to take place Smt. Lalita falsely said that the meetings of J.J.B Shamli takes place in the courtroom of Principal Magistrate. On this false statement of Smt. Lalita I objected, but neither respected D.J. Shamli nor respected CJM Shamli Shri Rajmangal Singh Yadav paid heed to my words and moved on with the meeting. Then after immediately on 24th of December for the first time after Judgeship Shamli is created in three years respected CJM, Shamli Shri Rajmangal Singh Yadav has done the quarterly inspection of Juvenile Justice Board, Shamli and again he asked Smt. Lalita as to the place where the meetings of Juvenile Justice Board, Shamli takes place, Smt. Lalita again said that the meetings of Juvenile Justice Board, Shamli used to take place in the Courtroom of Principal Magistrate. I again objected in front of other staff of Juvenile Justice Board, Shamli and advocates about the false statement of Smt. Lalita. It is pertinent to mention here that the quarterly inspection was done by respected CJM Shamli Shri Rajmangal Singh Yadav in the room assigned by District Magistrate to JJB Shamli, thereafter Smt. Lalita threatened me that "I am equivalent to you and you have no right to raise

objection on what I say, Respected CJM Shamli Shri Rajmangal Singh Yadav is very close to my husband and also to respected D.J. Shamli." Thereafter in the month of January, 2021 I received the inspection report of respected CJM Shamli Shri Rajmangal Singh Yadav and also the minutes of meeting dated 21.12.2020 held in the chamber of respected D.J. In the inspection note respected CJM, Shamli Shri Rajmangal Singh Yadav and in the minutes of meeting dated 21.12.2020 it was directed by respected DJ and respected CJM, Shamli Shri Rajmangal Singh Yadav to do all the work of Juveniles from the room allotted to JJB Shamli and immediately after receiving the inspection note within the stipulated time I sent the compliance report to CJM, Shamli Shri Rajmangal Singh Yadav on 04.02.2021 then after I have given notice to Smt. Lalita as to why she has given the false statement during the inspection on this Smt. Lalita threatened me in writing in one of her explanation (Copy annexd, Annexure-7) that she will also complaint in writing to my superior officers, and then after she made written false complaint on 06.02.2021 to respected D.J. Shamli on which I was issued Demi official letter by D.J. Shamli without even asking my part or any inquiry made in to the matter. (Copies of complaint and explanation annexed, Annexure-8,9)

4) It is humbly submitted that learned Civil Judge Junior Division F.T.C. Sushri Sudha Sharma joined the judicial services in the month of December 2019. Thenafter She under went field training/Induction training 1st Phase till October 31st 2020. Thereafter she started doing Judicial work from November 2020. Being new to the service she used to take advice from respected Shri Rajat Verma ADJ Kairana. In the last week of November 2020 an application of surrender of some accuseds and later on their bail application was moved in her court. During those days it was general practice in district Court Shamli and most of the other District Court to take surrender of the accused only after they produce a negative test report of covid-19 so that if the accused is sent to jail, he doesn't infect the other jail inmates. Being new to the judicial work she was not aware about this prevailing practice and she didn't insist on producing negative report of the surrendered

accused, of covid-19 in the said matter initially. To discuss some other legal problem she came to the chamber of respected Shri Rajat Verma Sir where respected Ruchi Tiwari Madam and myself were also present to discuss the problems regarding the failure of internet connectivity as respected Shri Rajat Verma Sir was nodal officer Computer those days, where Sushri Sudha Sharma while discussion came to know about the practice that report of covid test is necessary to produce, for all the accuseds to surrender in Court, meanwhile Ld. A.P.O. Sushri Anu Tomar was called by Ld. Sudha Sharma to ask as to what is the part of prosecution if accused has failed to produce the negative covid test. It was very politely said to the Ld. A.P.O. by respected Shri Rajat Verma Sir that Sushri Sudha Sharma is very new in the judicial service however the prosecution can also assist the officer by informing them about the practices which are prevalent in the Court. But Ld. A.P.O. took this advice otherwise and made an oral complaint to respected D.J. Shamli that she was being humiliated by Shri Rajat Verma sir and on this false oral complaint of Ld. A.P.O. Sushri Anu Tomar, Respected DJ Shamli issued Demi official letter to the youngest, newest judicial officer and when she approached respected D.J. Shamli for the explanation of the said Demi official then it was said that the explanation of this D.O. letter is to be only consulted by person of my choice and Sushri Sudha Sharma was asked to implicate Shri Rajat Verma, Sushri Ruchi Tiwari and me in the explanation of said Demi official letter that above mentioned Judicial officers have misguided her and on this incident Sushri Sudha Sharma was very upset and depressed by this treatment for several days. Respected CJM Shamli Shri Rajmangal Singh Yadav also humiliated Sushri Sudha Sharma in this matter (Copy annexd, Annexure-10).

5) It is humbly submitted that respected D.J. Shamli and respected CJM Shamli Shri Rajmangal Singh Yadav use to sit very late in night in court and inspect the files of the courts of Shri Rajat Verma, Sushri Ruchi Tiwari and myself on a regular basis as if to find fault in our judicial work and it seems that respected CJM Shamli Shri Rajmangal Singh Yadav persuades to

respected D.J. Shamli to give Demi official letters to 4 of us and also to insult us publicly.

6) It is humbly submitted that after the telephonic conversation I had with you lordship on 04.03.201, the same day I was called by respected D.J. Shamli twice and he indirectly put pressure on me to not to communicate with you lordship either oral or in writing and for this he had shown me a letter head of Bar Association Kairana which was undated and unsigned and said "तुम लोगों की बहुत शिकायतें आती रहती हैं, लेकिन मैं तुम्हें बचाये हुए हूँ वरना तुम्हारा तो बहुत नुकसान हो सकता है।" It is worth mentioning here that there is no written complaint till now since 3 years of posting in Shamli of above mentioned 4 judicial officers including me.

7) It is humbly submitted that there are several other matters and smaller incidents which aren't mentioned in this e-mail however, if and whenever called upon to do so by the Hon'ble High Court. we will furnish the detail.

My lord, it is obvious that it is becoming increasingly difficult and suffocating to work in such difficult circumstances.

I therefore very humbly request your honour to take suitable action in this regard.

With utmost regard.

Date-04.03.2021

Your's faithfully

Mukta Tyagi
7/3/21
(Mukta Tyagi)

Civil Judge(Jr. Div.)/

Judicial Magistrate,

Shamli.

Enclosures:-

1. Copy of 377 incident, Annexure-1
2. Copies of remand assigned, Annexure-2
3. Copies of Demi official letters, Annexure-3

4. Copy of illegal remand and release done by respected CJM Shamli, Annexure-4
5. Copy of D.O. letter of release under section 307, Annexure-5
6. Copy of order by which respected CJM Shamli appointed as O/C Nazarat section, Annexure-6
7. Explanation of Smt. Lalita in which she gave threat, Annexure-7
8. Copy of complaint of Smt. Lalita, Annexure-8
9. Copy of explanation to complaint of Smt. Lalita, Annexure-9
10. Copy of D.O. letter of Sushri Sudha Sharma, Annexure-10