

From: Sandeep Gupta,
Additional District and Sessions Judge, Court No. 14,
Muzaffarnagar

To: Hon'ble Administrative Judge,
High Court of Judicature at Allahabad

Through: District and Sessions Judge,
Muzaffarnagar

Subject: Representation against Remark in Annual Confidential Report of
Financial Year 01.04.2021 to 31.03.2022

Hon'ble Lordship,

It is most respectfully humbly submitted that:

1) It is respectfully submitted that I have completed 1601.71 Units out of required 1200 Units i.e. 133.47%. Disposal of work is adequate i.e. 133.47%. Four judgments have been attached with my application for self assessment.

2) It is most respectfully humbly submitted that I have joined the judicial service on July 29, 2019 and this is my first posting. During the Financial Year 01.04.2021 to 31.03.2022, no transfer application was filed against me. Disposal of work is also 133.47%. During the Financial Year 01.04.2021 to 31.03.2022, two complaints were filed against me and regarding the first complaint, the matter is pending before the Hon'ble High Court and regarding the second complaint, the vigilance inquiry is pending. Learned District Judge has also stated in Annual Confidential Report that two complaints were filed against me and regarding the first complaint, the matter is pending before the Hon'ble High Court and regarding the second complaint, the vigilance inquiry is pending.

First written complaint was filed by Advocate Avirudh Kumar.

It is my respectful submission is that both the bail applications Waseem alias Vivek Versus State and Armaan Malik alias Noor Mohammad Versus State has been decided on merit after hearing at length the Counsel of Waseem alias Vivek and the Counsel of Armaan Malik alias Noor Mohammad and the investigating officer and the prosecution. There was no similarity in the conduct of the accused Waseem alias Vivek and Armaan Malik alias Noor Mohammad. There was no parity between the bail applications of Waseem alias Vivek Versus State and Armaan Malik alias Noor Mohammad Versus State which is as per the nature of the evidence available with the investigating officer and the circumstances which were peculiar to the accused and the concealment of criminal history by the accused Armaan Malik alias Noor Mohammad which is point wise explained as follows:

150

(a). Money transaction and Forged document preparation:

When I have asked the investigating officer about the money transaction details about accused Armaan Malik alias Noor Mohammad. Investigating officer has told to me that accused Armaan Malik alias Noor Mohammad has confessed that he has got Rs. 1 Lacs which One Lac Rupees is now with him. The investigating officer has further told that the accused Armaan Malik alias Noor Mohammad is the master mind of this case and has prepared the forged documents of the co-accused

When I have asked the investigating officer about the conduct of the accused Waseem alias Vivek, the investigating officer has told that all the forged documents were made by accused Armaan Malik alias Noor Mohammad and Rs. 150 has been recovered from accused Waseem alias Vivek.

(b). Recovery of Money:

As per recovery memo provided by the investigating officer, Rs. 30,000 has been recovered from accused Armaan Malik alias Noor Mohammad.

As per recovery memo provided by the investigating officer, Rs. 150 has been recovered from accused Waseem alias Vivek.

(c). Identity Card of accused:

As per Bail Application of accused Waseem alias Vivek, he has told the Court that he is less educated person and was working as a peon in that Company. In support of his version in the bail application he has annexed the identity card of his working as peon in that Company. When I have asked the investigating officer in an open court about the identity card annexed in support of his version in the bail application, the investigating officer has not disputed the identity card of the accused. When I have asked the Prosecution about the identity card, the Prosecution has also not disputed the identity card of the accused. When I have specially asked the investigating officer in an open court about the Education details of accused Waseem alias Vivek, the investigating officer has said that he has no record about the education of accused Waseem alias Vivek. Counsel of accused Waseem alias Vivek further argued that accused Waseem alias Vivek was a peon in the company and he was made scape goat in this case.

When I have asked the Counsel of accused Armaan Malik alias Noor Mohammad about the post and role in the company of accused Armaan Malik alias Noor Mohammad, his Counsel Avirudh Kumar has not given any answer. But the investigating officer and the prosecution has told that accused Armaan Malik alias Noor Mohammad is the master mind in this case.

PS

(d). Concealment of Criminal History:

The report of the concerned police station has provided the Criminal History of both the accused which is Case Crime No. 501 of the year 2020 under Section 420 Indian Penal Code, Police Station Masuri, District Ghaziabad.

On asking by the Court from the Counsel of the accused Waseem alias Vivek about the aforementioned crime. Counsel of the accused Waseem alias Vivek has provided the bail orders of Hon'ble High Court of judicature at Allahabad (Criminal Misc. Bail Application No. 45031 of 2020 dated 18.12.2020) in which the accused Waseem alias Vivek has been granted bail by the Hon'ble High Court of judicature at Allahabad.

On asking by the Court from the Counsel of the accused Armaan Malik alias Noor Mohammad about the aforementioned crime. Counsel of the accused Armaan Malik alias Noor Mohammad remains mum and has given no answer to mislead the Court.

Due to concealment of Criminal History by the Counsel (Avirudh Kumar) of the accused Armaan Malik alias Noor Mohammad. Counsel Avirudh Kumar also remains mum on asking by the Court. The accused Armaan Malik alias Noor Mohammad has not come to Court with clean hands so the accused Armaan Malik alias Noor Mohammad was not entitled to bail which is a discretionary relief.

(e). Second Bail Application by accused Armaan Malik alias Noor Mohammad before ADJ (First), Muzaffarnagar.

The accused Armaan Malik alias Noor Mohammad has moved second bail application before ADJ (First), Muzaffarnagar which was decided on merit by ADJ (First), Muzaffarnagar on August 2, 2021 which was also dismissed on merit by a detailed order.

It is most respectfully humbly submitted that all the allegations levelled by Advocate Avirudh Kumar against me are false, baseless, untruthful and incredible.

It is most respectfully humbly submitted that I hear the Ld. Advocates in the open court only and not any where else.

It is most respectfully humbly submitted that I have never demanded any money from Advocate Avirudh Kumar. All the allegations levelled by Advocate Avirudh Kumar in his complaint application against me are false, baseless, untruthful and incredible.



It is most respectfully humbly submitted that regarding the first complaint, the matter is pending before the Hon'ble High Court

Second complaint was filed by Advocate Amit Kumar Jain.

(a). It is my respectful submission that all the evidence and including examination of accused under Section 313 Criminal Procedure Code in Session Trial No. 592 of 2004 State Versus Dharampal and others and Session Trial No. 932 of 2004 State Versus Katar Singh has taken place before Additional Sessions Judge Court No. 12 and not before me. Advocate Amit Kumar Jain has earlier made a complaint against Additional Sessions Judge Court No. 12 before Hon'ble High Court of Judicature at Allahabad.

(b). It is most respectfully humbly submitted that thereafter, Learned District Judge has transferred the Session Trial No. 592 of 2004 State Versus Dharampal and others and Session Trial No. 932 of 2004 State Versus Katar Singh to Additional Sessions Judge Court No. 14 to hear the arguments and to decide the aforementioned Session Trials. I have heard the arguments of Ld. Advocates in the aforementioned Session Trials and reserved the judgment which is to be pronounced in open court on March 15, 2022.

(c). It is most respectfully humbly submitted that Advocate Amit Kumar Jain was continuously harassing me in the Court and Advocate Amit Kumar Jain was continuously harassing my wife on the phone that if all the accused persons were not convicted to life imprisonment then Advocate Amit Kumar Jain will kill all of us. Advocate Amit Kumar Jain has threatened that he will firstly kidnap both my daughters from the school who were at that time studying in 7th class and 9th class and will kill them. Thereafter, he will kill me and my wife if the judgment will not be pronounced in his favour. Advocate Amit Kumar Jain was continuously threatening and terrorizing us.

(d). It is most respectfully humbly submitted that On March 14, 2022, I and my wife met the Learned District Judge in his chamber at around 1 P.M. and tell the whole circumstances how Advocate Amit Kumar Jain is continuously harassing me in the Court and Advocate Amit Kumar Jain is continuously harassing my wife on the phone that if all the accused persons were not convicted to life imprisonment then Advocate Amit Kumar Jain will kill all of us.

(e). It is most respectfully humbly submitted that thereafter the complaint against the Advocate Amit Kumar Jain was given by my wife to the police and an First Information Report was lodged against him on March 14, 2022.



(f). It is most respectfully humbly submitted that Learned District Judge has also passed an order on March 15, 2022 that " Sandeep Gupta, Additional District and Sessions Judge, Court No. 14 along with his wife were present in my chamber on March 14, 2022 and they make me aware that the son of the complainant Advocate Amit Kumar Jain illegitimately pressurizing my wife on her phone and continuously disturbing me in the Court to get the decision in his favour in Session Trial No. 592 of 2004 State Versus Dharampal and others and Session Trial No. 932 of 2004 State Versus Katar Singh. Learned District Judge has recalled the files relating to aforementioned Session Trials from ADJ-14 Court to himself. The order passed by Learned District Judge on March 15, 2022 has been annexed with this representation.

It is most respectfully humbly submitted that I have not pronounced any judgment in the Session Trial No. 592 of 2004 State Versus Dharampal and others and Session Trial No. 932 of 2004 State Versus Katar Singh

(g) It is most respectfully humbly submitted that complaint was filed by Advocate Amit Kumar Jain on March 15, 2022 to counter the First Information Report which was registered against Advocate Amit Kumar Jain on March 14, 2022.

It is most respectfully humbly submitted that all the allegations levelled by Advocate Amit Kumar Jain against me and my wife are false, baseless, untruthful and incredible.

It is most respectfully humbly submitted that I hear the Ld. Advocates in the open court only and not any where else.

It is most respectfully humbly submitted that I and my wife have never demanded any money from Advocate Amit Kumar Jain. All the allegations levelled by Advocate Amit Kumar Jain in his complaint application against me and my wife are false, baseless, untruthful and incredible.

It is most respectfully humbly submitted that I have not pronounced any judgment in the Session Trial No. 592 of 2004 State Versus Dharampal and others and Session Trial No. 932 of 2004 State Versus Katar Singh and that regarding the second complaint, the vigilance inquiry is pending.

3) It is most respectfully humbly submitted that during the Financial Year 29.07.2019 to 31.03.2020, my overall assessment was outstanding.

4) It is most respectfully humbly submitted that during the Financial Year 01.04.2020 to 31.03.2021, my overall assessment was good.



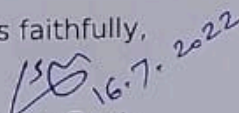
Hon'ble Lordship,

It is most respectfully humbly requested that:

- a) In Sr. No. 2, over all assessment of the merit of the officer: Average may kindly be reviewed.
- b) In Sr. No. 1(a), Integrity of the officer - Doubtful may kindly be reviewed.
- c) In Sr. No. 4, at point no. 1, the words containing in the complaint filed by Advocate Avirudh Kumar as mentioned in other Remarks column at Sr. No. 4, at point no. 1, may kindly be expunged and may kindly be deleted.
- d) In Sr. No. 4, at point no. 2, the words containing in the complaint filed by Advocate Amit Kumar Jain as mentioned in other Remarks column at Sr. No. 4, at point no. 2, may kindly be expunged and may kindly be deleted.

Dated: 16.07.2022

Yours faithfully,


Sandeep Gupta
Additional District and Sessions Judge,
Court No.14,
Muzaffarnagar


(Self Attested)

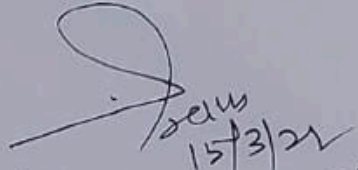
विश्राम कक्ष
जनपद न्यायाधीश,
मुजफ्फरनगर।
दिनांक: 15-03-2022

आदेश

श्री सन्दीप गुप्ता, अपर जिला एवं सत्र न्यायाधीश, कोर्ट सं०-14, मुजफ्फरनगर अपनी पत्नी सहित कल दिनांक 14-03-2022 को मेरे विश्राम कक्ष में उपस्थित हुये। उनके द्वारा अवगत कराया गया कि उनके न्यायालय में लम्बित सत्र परीक्षण सं० 592 सन् 2004, उत्तर प्रदेश राज्य बनाम धर्मपाल आदि व सलंगन सत्र परीक्षण सं० 932 सन् 2004, सरकार बनाम् कटार सिंह उद्भूत मु०अ०सं० 24 सन् 2004, अन्तर्गत धारा 364 भा०द०सं०, धाना-नई मण्डी, मुजफ्फरनगर में वादी के पुत्र श्री अमित जैन अधिवक्ता द्वारा उक्त वादों में अपने पक्ष में निर्णय कराने के लिये नाजायाज दबाब बनाने हेतु उनकी पत्नी को फोन पर तथा उन्हें न्यायालय में लगातार परेशान किया जा रहा है।

आज दिनांक 15-03-2022 को श्री प्रदीप कुमार जैन, निवासी- 41, घेर खट्टी, नई मण्डी, मुजफ्फरनगर के द्वारा एक शिकायती पत्र ई-मेल के माध्यम से श्री सन्दीप गुप्ता, अपर जिला एवं सत्र न्यायाधीश, कोर्ट सं०-14, मुजफ्फरनगर के विरुद्ध प्राप्त हुआ है। अतः अपर जिला एवं सत्र न्यायाधीश, कोर्ट सं०-14, मुजफ्फरनगर को आदेशित किया जाता है कि वह निर्णय उद्घोषित न करें तथा उपरोक्त दोनो पत्रावलियों अपर जिला एवं सत्र न्यायाधीश, कोर्ट सं०-14, मुजफ्फरनगर से रिकॉल की जाती है।

तदनुसार सभी सम्बन्धित सूचित हों।


15/3/22
(चवन प्रकाश)
जनपद न्यायाधीश,
मुजफ्फरनगर। 10.05 AM