



पंजाब पंजाब PUNJAB

AD 873607

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA,

At CHANDIGARH

Case No. 5458/RHC(6)

Smt. Chandrakala Thakur

wd/o. Indrakant Thakur

...Complainant

V/s.

Ms. Ekta

Civil Judge (Jr. Divn.), Ludhiana ...Accused/Respondent

DEPONENT: Chandrakala wd/o Indrakant Thakur,

Aged about 57 years, Occ.: Housewife,

R/o House No. 14060, Street No. 2,

1 | Page



Ram Nagar, Tibba Road,

Ludhiana -141007

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Chandrakala Thakur aged about 57 yrs. Wd/o. Indrakant Thakur, Indian Inhabitant Occu. : - housewife, R/o. House No. 14060, Street No. 2, Ram Nagar, Tibba Road, Ludhiana - 141007 the Complainant, do hereby state on solemn affirmation as under:

1. I say that I am Chandrakala Thakur, mother of one of the accused namely Mukesh Thakur. I say that previously a complaint was lodged by Lucky Gupta alias Jaihind Gupta, about illegal withdrawal of Rs. 11,861/- from his Paytm Account. After taking great efforts, they both (i.e. Mukesh and Lucky) got & came to know the details about the illegal withdrawal from the concern bank that the said amount has been illegally withdrawn by one Amritpal Singh alias Vicky.

Hence, they filed a complaint with ACP/East Ludhiana and also with Commissioner Ludhiana. Therefore, the said person i.e. Amritpal Singh alias Vicky and his relatives came to settle the dispute with them (i.e. Mukesh and Lucky). But when, they were asked to tender unconditional apology and submit their bank statements in order to check previous record of illegal



withdrawal of money if they have not cheated to other persons.

I say that being aggrieved by the said action my son and Lucky, the brother of cheater, who is food inspector, intervener in this matter threatened them and told that he has good relationship with Commissioner of Police and they can implicate both (i.e. Mukesh and Lucky) in criminal matter.

I say that when the said complaint of cheating and forgery filed by Lucky for fraud, cheating and forgery. Despite having clear bank proofs the said complaint was not investigated by the police. It was incumbent upon the Police to register F. I. R. against the said cheater; they danced on the tune of senior police officials, who were good friends of said food inspector.

1. I say that on 19.8.2017, they both (i.e. Mukesh and Lucky) arrested by police in the morning at about 5.30 a.m. and after having passed a whole day, and police did not produce them before concern Magistrate. When I tried to know about the offences/crimes in which they came to be arrested, then the police officers insulted and threatened me with dire consequences. They were taken to CIA office where again I tried to meet my son and Lucky, but police did not allow me to meet them and not inform about the reasons of their arrest.



2. I say further that after this situation I filed a complaint against the Magistrate Ekta Civil Judge (Jr. Divn.), Ludhiana. Because when my son and Lucky produced before the concern said Magistrate, they both (i.e. Mukesh and Lucky) told and explained about beating, assaulting and orally informed about ill-treatment by the hands of Police. But the said Magistrate did not take it on record anything and directed them to give the complaint in writing. It took 10 minutes for them to write the complaint, but till that time the Magistrate left the court. Magistrate neither did not take a complaint on record nor refer the accused to medical hospital the same.

I say that it is to be noted that my son Mukesh were badly beaten by police, even Lucky was not able to stand up before court. All these atrocities have committed when a complaint about illegal handcuffing in previous offence, committed by police upon both the accused, by falsely implicating them. However upon the said complaint Hon'ble Punjab State Human Rights Commission please to direct to the Commissioner of Police, Ludhiana to conduct enquiry about illegally handcuffing and paraded the accused in the locality at the instance of one Sukhdev Singh (Food Inspector), whose brother's complaint about committing fraud of paytm was made by Lucky and Mukesh. Therefore, for shielding the accused of Paytm fraud the Ludhiana



police involved both of them Mukesh and Lucky in series of false offence upon false complaint. However, as the present complaint, I filed before this Hon'ble Court/Authority, against the concern Duty Magistrate by name Ekta, who flouted all the laws and knowing every facts, and illegality, did not follow the directions and guidelines of Hon'ble Supreme court, as passed in catina of judgments, such as D.K. BASU, ARNESH KUMAR etc.etc.

To some up my complaint against the concern Magistrate, I most respectfully draw the attention of the Hon'ble Authority, who guided me and directed me, vide Letter No.5458/RHC(6) dated 20-9-2017 (copy of the said letter is annexed herewith for ready reference of the Hon'ble Court/Authority) to file affidavit in support of my complaint. Hence, I points out towards following illegality (deliberate) committed by the Learned Duty Magistrate:

- (i) It is submitted that due to the atrocities of police Ludhiana, and we were not informed the reasons of arrest and messages were given to us that both the accused were taken to CIA for killing them in encounter. Hence, we were very much humiliated and all the police officers, who arrested Mukesh and Lucky on 19-8-2017 at 5:30 a.m. and 6:00 a.m. in the morning did not inform us the reasons



for arrest and taken them with them and we could not find their trace, though we moved to every police station, Commissioner of Police office, CIA (Crime Investigation Agency) office. We also tried to contact every police officers, on mobile calls and through email since morning but no reply was given to us.

Hence, I went to Magistrate court on 20/08/2017 at about 2.00 O'clock. I went to meet duty magistrate court and Hon'ble Ekta was sitting in the court. So I filed my complaint dated 20-8-2017, against the illegality, illegal arrest of Mukesh and Lucky, and about PATYM fraud committed by Patym Agent (Amritpal Singh alias Vicky). She took the complaint from me and kept with her.

- (ii) I have also informed the concern Duty Magistrate that five police person have arrested Mukesh and Lucky on 19-8-2017 at 5:30 to 6:00 p.m. But no clue was given to us about their arrest, nor police prepared any arrest panchnama nor followed the due process of law of arrest etc. and handed over the said compliant to magistrate by hand.

Hereto annexed copy of my complaint dated 20/08/2017 to magistrate and same is marked as

Exhibit - "A".



(iii) However, it is also submitted that the accused were produced before the Duty Magistrate court presided over by Duty Magistrate Hon'ble Ekta, at about 3:45 p.m. The Hon'ble Duty Magistrate asked me as to when the accused were arrested from my house. To which I replied on 19-8-2017, in between 5:00 a.m. to 5:30 a.m. There after she asked the I.O. as to when the accused were arrest the I.O. (Sulkhan Singh) replied to Magistrate that accused were arrested at 6:30 a.m. on 19/08/2017. Even magistrate asked to I.O. whether intimation was given to relative of accused. To which I.O. replied that he had given intimation at 6:00 O'clock (19/08/2017). Then, the Learned Magistrate, further to the I.O., as to whom the intimation was given. But, the I.O. replied, that he didn't know the names of the person intimated.

It may please be noted that magistrate didn't follow the law as directed by Hon'ble Supreme court in various land mark judgments including D.K. Basu, Arnesh Kumar, etc. Similarly, the magistrate also failed to note down the reply of I.O. to avoid any action against police. It is submitted that the accused, and myself requested the magistrate to supply copy of F.I.R., remand application, etc. But neither police nor the



magistrate could provide us any information as to why the accused were arrested and produced before the court.

- (iv) I, as well as on my behalf and other people tried to file application for obtaining certified copy, officers of the court did not allow to file. However, somehow, we requested one advocate by name Anjum Arora to apply for certified copies. However we do not know the outcome of that effort.
- (v) One person has handed over Xerox copy of order dated: 20-8-2017 of Hon'ble Duty Magistrate. On perusal of the said order of judicial custody 02/09/2017. It appears that the Learned Magistrate deliberately did not mention time of production of accused before her. I am now learnt that the Magistrate has to mention time of production of accused before court, ill-treatment complaint at the hands of police and referring the accused to Medical Officer for obtaining medical report, in the event of any complaint of assault or injuries. The Learned Magistrate also failed to write down my as well as submission of accused, about the timing of arrest of accused in between 5:30 a.m. to 6:00 a.m morning (19-8-2017). However, Learned Magistrate, mention that No time of arrest of the accused has been mentioned



on the arrest memos and rejected the application of police custody filed I.O.

Here to annex copy Said order dated 20/08/2017 & the same is marked as **Exhibit - "B"**

4. That, the Learned Magistrate deliberately, with intention to shield and save the skin of the erring police officers, committed many offences, did not follow the popular directions and guidelines of Hon'ble Supreme Court in catina of judgments such as D.K. Basu, Arnesh Kumar's cases. It is not like that it was due to negligence, but it was with deliberate intention to save the police officers and therefore, did mention the time of production, reasons of arrest, complaint of ill-treatment, did not mention the reply of I.O and complaint of accused. She directed the accused to give the complaint in writing. But, as blank paper not available, they (accused) somehow, obtain blank paper for writing the complaint of ill-treatment as directed by Learned Magistrate. However, no advocate was provided to the accused but Magistrate falsely mention name of one advocate and stated that provided for representation of accused and falsely stated name of one advocate Pawanjit Kaur (Free Legal Aid Counsel). I state that I was also present in the court at the time of production of accused, and no advocate was available there. Therefore, somehow the accused reduced the complaint of ill-treatment in



writing. But, alas, when they completed writing, she did not take the same and left the court without taking the complaint on record. It may be noted that such accused are in fact under the custody of Magistrate and they are supposed to take every care of the accused, so far as law permits. Hence, the Learned Magistrate committed many illegalities, and deliberately flouted the laws of in violation of directions of Hon'ble Supreme court.

5. Therefore, I pray to take strict action against the Learned Magistrate so that message be given to the society that we are still living in Civilized society and Punjab & Haryana states are also coming under the category of civilized and law abiding society.

(I state and reiterate that whatever I have stated in affidavit in support of complaint is to the best of my own personal knowledge; I believe the same to be true.



Place : 

ਚੰਦ੍ਰਾਕਲਾ ਠਾਕੁਰ

Deponent

Date : 25/9/12

(Chandrakala Thakur)

VERIFICATION

I, Chandrakala Thakur, Aged 57 years, Occ.: Housewife, Indian Inhabitant, residing at House No. 14060, Street No. 2, Ram Nagar, Tibba Road, Ludhiana -141007, the Complainant above

named do hereby state and declare on solemn affirmation that
whatever is stated in the above paragraphs are true to my own
knowledge and belief and I believe the same to be true.

Solemnly affirmed at Ludhiana

On this 25 day of 9, 2017

ਚੰਦਰਕਾਲਾ ਥਾਕੁਰ

Deponent

(Chandrakala Thakur)



Explained, Interpreted &

Identified by me;

213409864985
I know the deponent and he/she has signed/initials
Signature and he/she has signed/initials
his/her R.T./L.T. in my presence

Before me;

Advocate

Signature Attested
[Signature]
NOTARY PUBLIC
Ludhiana, Distt (Pb.)

25 SEP 2017