

# **CRIMINAL JUSTICE SYSTEM**

--A case Study based upon Mitter Sen Meet's Novel :

**KAURAV SABHA**

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This paper is proposed to be study of our criminal system in contemporary backdrop. The theme of the seminar concern "Social Transformation in North-Western India in the Twentieth Century". My theme, I suppose, falls very much within the ambit of this larger theme. Our criminal justice system is not an insulated world. It works like an integral part of our present-day socio-political ethos.

My study of its functioning is empirical in nature. But it is not based on data collected from the field. Rather, it is based on a typical case having multiple dimensions. The case is portrayed with all the ingredients of plausibility in Kaurav Sabha, a monumental novel completed in 2003 by Mitter Sen Meet, a man of law by profession.

It may, however, be quizzed as to how a single novel written by an individual with limited consciousness, could be deemed sufficient evidence to reach an adequate understanding of an issue of gigantic proportions. Also, I myself happen to be a student of literature. Anybody may question my credentials too. How could I dare to traverse what is beyond the reach of my prowess. The apprehensions are not misplaced. I would like to clarify, however, that I have no intention to sit in judgement over our criminal justice as enshrined in Statute books. I know I am no jurist. Therefore, I have no jurisdiction to act or speak like the one.

I am interested only in what people find in practice. Statute books lay down only the canons or the institutional and procedural framework. But then there are systems beyond the stipulated system, just as the governments constituted under law are faced with parallel governments of the underworld lords functioning ruthlessly, quite often in connivance with those who frame laws.

I shall be looking into this garbled version of our criminal justice system. It is this form of the system which reflects social transformation. The concept codified in Statute books remains sacred and transcendental, nevertheless.

The locale of events in the novel is Maya Nagar with Chandigarh as a subsidiary locale. But 'Maya Nagar' is too thin a camouflage for fictional concealment of the real identity of the town. The novel throws up ample evidence to reveal the actuality of the locale. For example, Maya Nagar is an industrial town known as the Manchester of India. The famous Dayanand Hospital is located here. The Neelon Canal Rest House is not very far from here. The novel is dedicated to Harish Rai Dhanda, a famous advocate of the town, who heads a society meant to provide free legal help to victims with mean resources. He is a character too in the novel. Who cannot guess that Maya Nagar is actually the city of Ludhiana infested by the neo-rich, a vermin of big and large-scale crime in post-independence India? It is a veiled signification of the hubs from where flourishes the world of crime.

The nucleus of the narrative is a grievous assault at midnight at a house in a posh colony of Maya Nagar. The assailants are professional criminals hired by two well-educated nephews to harm their uncle, Ved Parkash's family. The purpose is to force the uncle into submission over a property dispute of not very big proportions. The uncle for them needed to be taught a lesson for his 'adamant' attitude over the issue. The brief for the assailants, therefore, was to cause effective, but not fatal, injuries to the uncle's family.

The property, under dispute, by all available evidence belonged to the uncle. But the wayward nephews maintained that it was a benami deal by their deceased father. Their father had built up a financial empire, first as a corrupt PWD engineer, then as a secret contractor-in-partnership and later as an independent contractor and a colonizer. He had other kinds of business too. This included a steel Mill at Mandi Gobindgarh, which he raised to hide black money. He had petrol pumps too, by the 'graciousness' of MPs, whom he taught the lessons of 'power' they could wield.

He used his knack for socializing with the high-ups by gifting our fatty money packets, whisky boxes, costly jewellery and almost free residential plots etc. to bureaucrats, police officials, income tax bosses, judges and political figures under the unwritten code of our times and Land. Thus he cultivated the key figures to expand his wealth and business. He knew how any resistance he encountered could be made to subside with time.

But excessive drinking and dining with bigwigs at posh hotels and clubs, coupled with huge and unexpected losses in business, cut short his life leaving behind his empire to be managed by his clumsy and inexperienced progeny. The sons inherited their father's lust for money and power, but not his tactfulness. They started behaving tediously right from the day they took up the reins of their father's business empire. The father was never unfair to his docile younger brother. But the clumsy sons started treating their uncle as a parasite and a person responsible for the untimely death of their father. The Rama-Lakshman love-bound of their father and uncle was turned into Sugreev-Bali antagonism in their case.

The midnight assault engineered by them at the uncle's house overstepped the brief. The dangerous trespass in dim light was detected and caused confusion and resistance. In the scuffle that ensued, the legs of the head of the family were badly broken resulting in complicated multiple fractures. The lady of the house, Neelam, received grievous head injuries leading to prolonged derangement, stinking stomach and inability for self-care. The son Kamal, was killed on the spot and the daughter, Neha, was ruthlessly raped and mauled in body and mind. The four kinds of harm thus caused, represent the entire range of most heinous kind of criminal act. The assailants come disguised, masked, do their job and escape alongwith the loot.

On enquiry which begins late in the morning and with apathy towards the sufferers, the culprits are soon detected and apprehended. But thanks to the neo-rich termite, the greedy administration, the manipulative politicians, the indifferent and callous prosecution, the unethical doctors, the foxy ahalkars and the judicial loopholes, none of the culprits gets any exemplary punishment. Almost all of them stand virtually, acquitted, though they had to go through some inconsequential ups and down. The insatiable pockets were satiated in the process. If anybody is really punished, it is the aggrieved only.

A major portion of the novel in the beginning shows how the neo-rich class emerges and litters around during a period of fast, but low-quality developmental activity at the cost of State-exchequer and gradually devises its own methodology to get rich and richer within the minimum possible time. That way, it is a class of sharp minds, but low-grade creatures bankrupt in social vision and wisdom. This part of novel is an important social document in itself which needs separate paper.

The neo-rich community uses all kinds of crude methods recklessly to resolve its tangles, thus creating greater tangles corrupting the entire body-politic, including justice system. The inference stands endorsed by the entire range of events following the murderous assault.

The inquiry into the case is taken up by the SSP into his own hands from the very beginning. He is seen conducting it meticulously ensuring that no evidence is tampered with. He seems damn serious. But how could the senior most official be an oasis in the vast desert of undependable officialdom. What could be the real cause of direct investigation by the SSP? The bigger the crime, the greater the 'catch'? Yes, it could be really lucrative!

The case was serious, but blind. The press was impatient. It had to be briefed. The Chief Minister too needed the report. The case was too complicated for proper registration. The post-mortem of the dead body had to be carried out. The statement of the rape victim had to be recorded. Ram Nath, the sala of Ved Parkash, could not name the suspects without consulting his sister, rendered unconscious, and his injured brother-in-law. The Thanedar conjectured without investigation that it was a case of dacoity and murder by notorious black-nickered criminals. The police in general was indifferent and insensitive. It had to be forced by neighbours to visit the crime-spot. The dead and the injured were transported to the civil hospital too late. The civil hospital, like all other civil hospitals, did not carry good reputation in terms of integrity and competence. Nevertheless, it was considered more reliable from the standpoint of evidence in the eyes of law. There was no doctor in the hospital to deal with the victim of head injury. The sewadar of the hospital advised Ram Nath to 'contact' the doctor for proper report regarding Ved Parkash's injuries. The word 'contact' acquires meanings not available in any dictionary. Probably, because they are so simple that everybody is aware of them in 'popular' lexicon of the Republic of India'. 'Contact' means the 'bribe'.

Neelam, the victim of head injury suffered fits and spasms like the ones in epilepsy at short intervals. The patients were not being allowed to be shifted to Dayanand Hospital despite the gravity of their condition. Neha's clothes were not being allowed to be changed before the lady doctor could take possession of the blood-stained garments. Her wounds were not dressed because they had to be examined by the doctor first. But the doctors were not forthcoming. Nobody was afraid or conscious of his or her criminal negligence. The lady doctor was a daughter-in-law of some minister. The pimps roaming about were suggesting how to call

the doctors before their 'time-table'. The wounds were deteriorating but the doctor didn't seem to be showing up ever. The injury report was essential for proper registration of the case.

The police, on the other hand, needed names, addresses, description of the culprits of weapons they carried and how the weapons were used. Any loophole would result in giving benefit of doubt to the culprits leading to their acquittal. The culprits came masked in darkness. The injured had no occasion to see them or know the real nature of their weapons and how they were used. Nor were they in a fit state of mind to recount anything. In a way, they could not be categorized as eye-witnesses. They were not in a position to observe anything in foolproof details. The police tries to escape the rigour of investigation as its own level by being naive. It tended to betray willingly or unwillingly total ignorance of criminological investigation in scientific terms or ethical considerations. None from the aggrieved party was in a position to provide the exact sequence of events. The culprits seemed to be experienced and familiar with the flaws in law. They could have come with gloves on hands, masks on faces and perfume on their bodies.

The doctor in the X-Ray department too was generally not available on duty. He was most of the time busy either at his own benami clinic or in the Court as a 'witness', so to say. But in the present case, he was 'gratified' enough to be available and give his report. The lady doctor too finally gave the 'desired' report about Neha when she was sure that Rupees two thousand had reached her pocket through a pimp.

The clues left behind by a assailants were scanty and included only a rod and a bang. The domestic servant had to be inveigled cleverly to provide some inconclusive information. The investigation was yet at the most preliminary stage when the Station House Officer received rupees ten thousand from the Manager of Pankaj, the elder nephew of Ved Parkash, as an 'incentive' for doing his job 'judiciously'. The Manager was asked to convey it so by Pankaj on phone from Delhi.

The SHO started giving twists to the case forthwith.

The victims were not coming forward with any such offer. The Thanedar felt he could use the inference emerging from it to intimidate Pankaj and the party to force them to warm his pocket further. Neha was made to record a fabricated statement aimed hiding the fact of her rape which, if admitted, could spoil her future.

Ved Parkash and his wife Neelam were admitted in Dayanand hospital. Their condition was bad and unpredictable. But the cost of treatment was rocketing high and becoming unbearable for all their resources.

Thus the matters concerning police and the medical profession were showing ominous signs. To this was added the political dimension that ensued. The students union of the university declared strike for indefinite period as Kamal was its active member. Neha was in love with Sagar, awaiting Sagai. Sagar was a free-lancer with the Press Trust of India. The journalists, therefore, made it a point of prestige to highlight the atrocities concerning the case. The coming events could turn into headliness in newspapers. The Chief Minister was informed by the CID accordingly. The SSP came to be snubbed by the high-ups. The Chief Minister was constrained to announce in a Press Conference that the investigation has been transferred from the SSP to another SSP. And the SSP was ordered to apprehend the murderers with fifteen days. The opposition for its own reasons could challenge the Chief Minister on the deteriorating law and order situation.

The Chief Minister, however, happens to be a type. He was insensitive as most of the rulers in post-independence era have been. Nothing works less than money with him, even when the crime is of most serious nature. In the present case too, he looks at crime as lucrative business. His announcements are meant only to contain opposition. The opposition, however, happens to be pliable already. Birds of the same feather flock together. The opposition could shout atleast, but didn't. The Chief Minister reaped the crop as he wished. The aggrieved was left far behind. Public concern was no part of his agenda.

The SSP extracted the most needed clue to crime from the poor Bihari domestic servant. The leader of the criminals was Ram Lubhaya, A Bihari, who rose from the state of a daily wager to be a big contractor and a professional gangster working in league with the local police. The colony where he lived was his 'State'. Both together ignored small crime by Bihari Bhais. Himself, however, he agreed to be a supari manager of the criminal assault in the present case. For Bihari labour, the country is where it works and lives. They could shift anytime. The compulsions of poverty and illiteracy determined their choice.

The Thanedar pushed forward his theory of assault by black-nickered dacoits used effectively by the police when militancy in the Panjab was at its height. The black-nickered thieves is actually a tribe declared criminal by the British and lives in the lower border area of

the Panjab and Rajasthan. The assailants in the present case too wore black nickers and the Thanedar was naive enough to link them with black-nickered tribe.

The investigating SSP found the connection between Ram Lubhaya and the nephews, Pankaj and Neeraj. The rod and the bag found on the spot were from the factory of the two brothers. The fact was entered in the Register at the factory gate. An identical bag was recovered from Ram Lubhaya's house too. The culprits were soon apprehended.

Henceforth, the Police started coercing the aggrieved party, ostensibly in the name of completing and validating the evidence. The actual motive was to extract money from it. The medical staff and the doctors in the hospital too chose to be pre-occupied with money-making. Apprehending danger, Pankaj approached Babuji, a member of the Parliament and his patron. He assured help, but evasively.

At that time of assault on uncle's house, Pankaj along with his brother Neeraj was admitted in Escorts Hospital at Delhi for medical tests for fake heart trouble in order to manage alibi for absence at the time of crime. It is ludicrous that both the brothers felt heart problem simultaneously. The SSP went underground to escape pressure.

Pankaj and his brother too went underground with the help of their friend Ajay to frame strategy for anticipatory bail. Together, they decided to hire Nand Lal as their advocate. It was believed he could handle 'peons, the police and the judges upto Supreme court' alike. Singla a crafty disciple of Nand Lal and another upcoming lawyer too was involved in handling the case. Nand Lal agreed to take up the case at an initial fee of Rupees one and a half lakh. The lawyers to represent the Thekedar and his nephew under police remand were decided as per the advice rendered by Nand Lal. He also advised the culprit brothers to build all kinds of pressure on the police and the Sessions Judge. In case, the Sessions Judge refused to be approachable, his office Superintendent could be cultivated. Nand Lal clinched the deal at Rupees 12000/- more for meeting miscellaneous expenses. Singla remained content with his mediation share only. Pankaj and the party were also advised to contract the concerned SSP through some agent, who happened to be Melu Dairywala. The whisky boxes, the gold, the case and arms etc. in the house were also advised to be shifted elsewhere.

After deep deliberations it was decided to approach the Sessions Judge through Partap Singh, the Registrar of the High court who happened to be an old friend and a 'beneficiary' of their deceased father and was awaiting promotion to be a Justice in the High

court. There were five judges who as 'beneficiaries' danced to their father's tune. The father obliged them with various kinds of plots at cost price, concealed their black money in his own business and that too at a premium and also helped them in a number of ways at the time of their daughters' marriages.

Partap Singh was approached with most expensive and liberal gifts along with the promise of three Lakhs as gratification money and requested him to help them get anticipatory bail from Sessions court. Partap Singh expressed helplessness, first because the Sessions Judge was not amenable and secondly because the case was too serious to warrant anticipatory bail. He could, of course, help when the application for bail reached the High court.

Disappointed, they reached at the residence of lowly Secretary to the Chief Justice in whom they expected a ray of hope. They all reached a most sophisticated costly pub where the Secretary drinks costly whisky like fish and gobbles up a variety of non-vegetarian stuff, like a wolf, without coming to the point.

Reaching back at Maya Nagar, they find that their other beneficiaries too have turned their back on them. In frustration, they are left with no option except to contact Melu Dairywala who turns out to be a man of influence and prosperity for a number of reasons. He enjoys a special equation with police officials and plays an effective role as a middleman in underhand deals. Pankaj and the party learnt right from the horse's mouth i.e. the SSP that the Thekedar Ran Lubhaya and his nephew had recorded their confessional statements on the tape and the police had solid proof of the involvement of the nephews in the heinous crime. The confused adventurers agreed to part with Rupees one lakh for Melu and Rupees five lakhs for SP with the assurance that they would be saved. The evidence would be destroyed and tampered with. The witnesses would be manipulated and would turn hostile the way the prosecution thought fit. The record in the police station would be maintained the way the accused wished and needed. The senior police officials and the Chief Minister were to be handled by the accused themselves. The copies of the relevant documents would, however, be provided to the accused as it wished. Also, the SSP from now onwards would try his best to mislead the Press, by changing his statements frequently. The newspaper cuttings may be preserved for reference during the Court proceedings. The police on its own would not arrest the culprits and would await the grant of anticipatory bail.

Ironically, however, the application for anticipatory bail was referred to Sadhu Singh, an Addl. Sessions Judge and an unapproachable man of integrity and well-versed in law. It was a matter of anxiety. The consolation, however, was that the F.I.R. did not include the names of the culprits, though the Press was highlighting the names of the real culprits. The judge quite often chose to go by the newspaper reports than by the engineered FIRs. There was all the apprehension that Sadhu Singh could choose this line of action. And Sadhu Singh did precisely that, announced his resolve to Nand Lal, the Counsel for the alleged culprits, to go beyond what the file said. He asked for full file and directed the Public Prosecutor to present the case the next day for decision.

The accused were busy framing the strategy to secure the bail. They changed their place of stay every hour. They planned to join investigation in the presence of their lawyer and the doctor to qualify for bail, as per the requirements of law. But the postponement of the case for one day upset their plans. They tried for sifarish by Sadhu Singh's closest relations, but failed. Alternatively, they tried the Public Prosecutor, bribed and entertained him in a hotel. He agreed to remain silent in the Court and to ensure that the file didn't reach the Court as directed by the Judge.

This involved additional bribe for the Naib-Courts, the Thanedar and the Munshi. The file would be made available to the Court only after the accused have joined investigation and have qualified for regular bail.

Melu managed the rest of the matter through the SSP who explained to the Thanedar as to how to withhold the file and derail the case. The Thanedar and the party were drowned in whisky upto the limits of their consciousness. Next day, the Thanedar should have reached the Public prosecutor by 9.30 a.m. The court was to begin its proceedings at 10 a.m. But the file didn't reach even till 11 a.m. The alibi for the non-availability of the file was arranged as advised by the SSP. The Public Prosecutor couldn't argue the case in the absence of the file. Mr. Ram Nath, the maternal uncle of the deceased and himself a criminal lawyer was not allowed to argue the case under unintelligible legal pretexts. It was a State case and only the Public Prosecutor could argue it. He was, however, sold out to the accused. The judge, though honest, chose to act in impatience and forthwith granted three days' anticipatory bail to the accused, who were advised by their lawyer to use this period to join investigation and qualify for regular bail. The DIG received Rs.two lakh for the help he rendered. This was followed by crazy celebrations

and reveleries deep into the night. Pankaj was advised by Nand Lal, his Counsel, to contact Shinde of Panjab Kesari and pay him Rupees five hundred so that he publishes the news as per his liking and choice.

However, Pankaj and Neeraj learnt early in the next morning that all the newspapers in Panjabi had carried the news of their case alongwith the photograph of Singla and the Public Prosecutor with Neeraj outside the City Heart Hotel. Satinder Singh, the Public Prosecutor, was ringing up in confusion fearing the loss of his job. The Thanedar, Narinder Singh, was shown lying down in Melu's dairy and the Havaldar was proved present in the city. Narinder Singh was requesting to be saved from suspension.

The day witnessed demonstrations, sit-in strikes and general strike. The blood pressure of Pankaj and Neeraj was disturbed. The Public Prosecutor was assured to be saved.

The demonstrations subsided with time. The newspapers were silenced with the grant of advertisements. The students were made to withdraw under the fear of fast-approaching examinations.

The SSP had earlier won the confidence of the Chief Minister by apprehending the two main culprits.

The case was handed over to a new Public Prosecutor for the next hearing. He was approached through the Naib-court to conduct the presentation of the case in a half-hearted and subdued manner and his fee was enhanced manifold. The evidence of the 'rod', the 'bag' and the 'mobile' was sought to be proved unreliable by Counsel of the accused. But he couldn't handle the judge's query regarding the entry in the Register at the factory gate. He also couldn't explain as to how the tests at Escorts Hospital in Delhi were warranted if everything turned out to be normal. The visit to Delhi proved their connivance in the crime rather than their innocence. The Judge cancelled the anticipatory bail given temporarily.

Now came the time for appeal before the High court. Nand Lal referred the accused to Sundar Singh, his confidant, with all the allurements and unstated fee-sharing understanding. The copy of the judgement by the Sessions Court was procured by Singla in the shortest possible time. Every lowly employee was paid his fee. Singla decided to accompany the culprits to Chandigarh on his own lawyer. But the petitioners had already decided to first consult Partap Singh, the Registrar of the High court, who was informed accordingly before leaving Maya Nagar. Singla had to agree despite disappointment. Partap Singh decided fifty five

thousand fee for his advocate friend Vasudev and one lakh each for two judges of the High court. The police would be handled through the IG, crime. Money is a great power, asserts Pratap Singh. Law is its slave. The IGP (Crime) is no exception. The two together as friends have been partners in hundred and one bunglings.

On the other hand, the patients in the hospital were in a bad state. Neha was advised to terminate her love-bond with Sagar as a bad dream. The attendants of the patients grew impatient, for their own constraints, to run away from the scene forthwith. They were seeking excuses only. Many had already escaped. Ram Nath's own business as a lawyer was collapsing. The witnesses in his own cases were turning hostile. The fellow lawyers turned indifferent and enticed his clients to their own table. Some of the clients were made to believe that Ram Nath was already 'dead'. Ram Nath's wife, Sangeeta, a teacher of Mathematics could be transferred to some village school away from the home city. There were scores of such difficulties.

The photographer and draftsman were asking for their own payment. The official photographer and the draftsman were not used as they were busy at officials' residences. The Deputy Superintendent of Police asked for money to visit Bihar, the country of assailants. The police wanted Neha to take part in the identification of culprits in the jail, though she was not in a fit state of mind to do so. The High court stayed the arrest of Pankaj and Neeraj for fifteen days. The IG Crime stopped further investigation into the case and assured regular bail. However, the matter was leaked out to the Chief Minister. The IG and Pratap Singh both got worried. The file was returned to Maya Nagar for completing investigation there. Both of them started trying to pull back from the case.

The leakage was blurted out by Singla under the influence of liquor to a fellow lawyer who happened to be a friend of Baghel Singh, a local legislator. The SSP had been ignoring Baghel Singh for long under the instructions of the Chief Minister. The lawyer and Baghel Singh nursed a long-standing grudge against the SSP for high-handedness by him. They conveyed the bunglings in the present case to the Chief Minister who was already keen to wean Baghel Singh from Jathedar's faction to his own side. The Chief Minister gave green signal to Baghel Singh to proceed as he thought fit, though the SSP enjoyed all the confidence of CM's wife known as Madam and their politician son known as Kaka ji. Baghel Singh used his bulldozer ruthlessly, snubbed the SSP, got suspended the police officials and also used the

opposition for the purpose and was finally successful in forcing Pankaj and the party to contribute Rupees one crore to the 'Party Fund'. Out of this, the first instalment was to be of Rupees forty lakhs and the remaining sixty lakhs was to be paid later in two instalments. The first instalment was allowed by the Chief Minister to be retained by Baghel Singh as a gesture of 'goodwill' for him. The remaining sixty lakhs was to reach the Chief Minister.

The file was ordered to be 'revised' and 'rectified' as per the wishes of Baghel Singh. The accused were quietly arrested, their bail application in the High court was rejected, they faked serious illness and managed the Civil Surgeon to confirm it, but failed in all such efforts and were eventually locked up in a stinking havalat along with ordinary pick-pockets and thieves in full public view. They were ordered to be placed under police remand for seven days by the Duty Magistrate which meant they would remain confined to havalat for this period. People raised slogans for death sentence for them. The deal of one crore was settled in these circumstances.

The local Press which thrives on being always on sale only reported the news twistingly in favour of the rich perpetrators of the crime. They reported that the rich pests were fighting a war of life and death when they were being subjected to such atrocities. They didn't care for the atrocities heaped upon the family betrayed by relatives, the officials and the doctors.

From this point onwards, begins the second part of the Case Report prefaced by a quotation. "Law is the slave of the rich."

The newspaper reports supported the 'diagnose' of the doctors. The alleged enlprits, they pleaded, should have been sent to PGI. They insisted they were already being treated at Escorts Hospital, Delhi. The authorities were advised to constitute a Board of Doctors for examining the 'patients' and act according to their report.

Ram Nath, the lawyer of the aggrieved party was set aside and now allowed to pursue the case. The case was to be pursued by the Public Prosecutor as it was a case of the 'State'. But the Public Prosecutor was drinking beer with the underworld of the accused in Sutlej Club. He returned their hospitality by telling Ram Nath frankly that it was upto the Magistrate to send the accused to jail or to hospital. It was no part of his duty or advocacy. No logic worked with the Public Prosecutor. He stubbornly maintained that he was representing the 'State'. And the 'State', he believed, didn't make any distinction between the aggriever and the aggrieved, even when the case is crystal clear.

The Magistrate protected the rights of the aggrieved. He ordered that the medical examination of the accused may be conducted by a team of doctors from the Dayanand Hospital at the cost of the accused. The doctors, however, collectively reported that the accused were seriously ill and needed emergency treatment. They were admitted to the hospital accordingly.

The Board of Trustees of the Hospital was constituted by the neo-rich like Pankaj and Neeraj, a class which happened to be a puppet of the Income Tax Officials. Pankaj and the party had close linkages with them. The doctors did what the Trustees wished. The Trustees did what the Income Tax bosses wanted. They did what Pankaj wanted. The Income Tax Commissioner could book the doctors straightway too. But he reserved his interference for some other and more appropriate occasion. In the present case, the fear of his 'ire' was sufficient.

Pankaj and Neeraj very soon got air-conditioned rooms as desired in the hospital with all the facilities for the visitors. They were beyond trespass. The constables posted outside looked like their domestic servants. They were not handcuffed, because the Human Rights Organisation didn't permit. The handcuffing could be used for hardened criminals only. The rich couldn't be hardened criminals. They were respectable citizens. So no need to handcuff them.

The constables on duty in the hospital were regularly served liquor and good food. The culprits converted one of their rooms into office. They could receive business dealers there. They conducted their business on mobile from here and could go outside too at will. Their wives could come and stay with them for the night whenever they desired so. None would disturb them. They made their stay in the hospital a pleasure trip.

Ram Nath on the other hand was helpless in every respect. Meanwhile, Pancham, the main accused, was got released on the well-managed report by Dayanand Hospital doctors that he was a minor, though actually he was twenty four years old. Every complaint by Ram Nath was either rejected or postponed by the Court to favour Pankaj and the Party. Baghel Singh had changed his stance after the deal of Rupees one crore. A junior advocate, Raj Kumar, come forward to help Ram Nath only to deceive him in the process. One senior and competent lawyer couldn't take up his case simply because his reputation was affected if he accepted less fee even on compassionate grounds. As an ultimate resort, he went to Harish Rai, President Victim Welfare Society, who agreed to be his lawyer in his personal capacity, free of charge.

The government, on the other hand, gave more importance to bogus jail reforms and benefit of doubt to culprits than to justice. In this regard, everything was happening in favour of the criminals like Pankaj and his brother.

Harish Rai was successful in exposing the dubious Public Prosecutor in the Court and also the doctors of Dayanand Hospital who had declared Pancham a minor without X-ray reports. Nobody had visited Bihar where Pancham was born. The entire judicial system started moving in favour of Pankaj after Baghel Singh had received the gratification fee. The criminals seemed to be all prepared for further assaults.

The injured, on the other hand, had reached back home only to spread bad odour which tended to drive away all helpers. Neha came to be treated vulgarly by bad character. The victimized family tried a number of remedies, but failed. The successive victories of the enemy caused fresh wounds and dissensions including betrayals in the family. Friends avoided coming to visit them. The business turned topsy-turvy. Persons with written business deals started sending legal notices. Some hurled abuses too. Ved felt surrounded by vultures.

The money spent by Ram Nath caused bitterness in the family. It was minimum four lakhs. Ram Nath didn't precipitate it, however. But Ved Parkash felt that in Maya Nagar, maya was the most important consideration. The town was a chhaya only. He thought of selling the house and other valuables as he feared sequestration. This disturbed sentiments in the family.

The family however, started feeling good when the lady of the house was allowed to operate the bank lockers. But was upset again when she learnt that the police had declared the accused as innocents. They could repeat the tragedy.

The accused were released as innocents within twenty four hours at the orders of the Chief Minister who received the second instalment of thirty lakhs. This was done to counter Harish Rai's intervention. The accused after release started threatening Ram Nath on the phone. They deliberated about destroying the file too. Ved left Maya Nagar in frustration.

On the other hand, the Police started forcing Ram Nath to come as plaintiff to the Police Station to tie up loose ends of the case in collaboration with the investigation officer and the Public Prosecutor. The period of ninety days to present the Challan was coming to end after which the arrested culprits would get automatic bail. The actual purpose of the calls was to extract money from Ram Nath, therefore, ignored the police calls in frustration. Also, the police had to submit the challan within ninety days. It could be held answerable for negligence, if any.

The previous investigation officer had been transferred leaving behind the file incomplete. This could easily lead to the acquittal of the culprits.

The responsibility to update the file was of the Police and the Prosecution, which they could carry out only on payment. In the present case, the money involved was Rupees fifteen thousand approximately, which Ram Nath couldn't afford. One of the culprits had already been released on bail. The police seemed to be bent upon releasing the remaining culprits too.

Now, the Victim Help Society came into action and decided to pursue the case at its own level. From amongst the District Attorneys, only one attorney offered to help Ram Nath sincerely. The new SHO, Bant Singh ordered the reader to call the accused for completing the Challan. Pankaj paid Rupees thirty thousand to the Thanedar with the condition that the Challan would be submitted only after the Thanedar has been released on bail so that the hearing of the case in the Court is conducted the way Pankaj wanted. The Thanedar agreed on the condition that the consent of the officials shall be managed by Pankaj. Pankaj had another condition too. The file should remain blank as it is. Bant Singh readily agreed as it would save his labour and the district attorney shall be managed by Pankaj himself.

After the deal was completed with Bant Singh, The SP called for the file to examine it before submitting the Challan, Bant Singh recorded the report in Rozenamcha and retained a copy of it with himself. Now, the delay in submitting the Challan would be the SSP's responsibility.

Ironically, however, Bant Singh was caught in the net. Harish Rai issued a statement which was published in English newspapers in bold headlines. He had strongly condemned the police for not submitting the Challan in time and thus helping the hardened criminals to be released on bail despite strong evidence against them in the file. He demanded inquiry by the CBI. He also announced that from now onwards, the case shall be pursued by the Victim Welfare Society.

The President's statement stunned Pankaj and the related officials. Pankaj and the party feared cancellation of their bail and recording of more cases against them. The future of Police officials and political leaders seemed to have been jeopardized.

The Society could ask for fresh investigation and recording of evidence in its presence. Pankaj and party could again be involved as accused.

The SSP sent back the file to the Thana and ordered destruction of all evidence to the effect that it was ever called by him. He also sent a show cause notice for negligence to the Thana-incharge and verbally instructed him to submit the Challan forthwith.

Bant Singh re-examined the file. It didn't contain any evidence regarding conspiracy to murder and the fact of murder. He couldn't sign the file as it was. He decided to submit the Challan in a garbled form. For this he settled new terms with Pankaj involving an amount of Rupees twenty thousand, Liquor and money were used liberally to get the challans cleared by the district attorneys. Singla tackled the greedy attorney on behalf of Pankaj. He agreed to clear the challan at a fee of Rs.15000/- along with a lavish party in a three-star hotel. The District Attorney gave elaborate instructions to Bant Singh's Reader to amend and reconstruct the file in a manner which should look genuine, but usable as per the wishes of the accused.

The Victim Welfare Society was a well organized body with most intelligent minds as heads of its various cells. It had a Coordination committee with Harish Rai as its Chairman, good secretarial staff and financial resources. It dug up the truth and exposed many of the untruths. All information in the file about Pancham was fake. He was not a minor as declared by the doctors of Dayanand Hospital. The doctors to be cross-examined created alibi for absence from the Court.

The media was pulled out of lethargy and alerted. The lawyers of the culprits found it difficult to get fresh dates from the court. The judge cornered the Public Prosecutor and lawyer of the accused during the very first appearance.

The next step was for the Magistrate to hand over the Challan to Sessions Court. He couldn't dare to postpone it to some other date. The Sessions Judge too marked the case forthwith for Sadhu Singh, the Additional Sessions Judge. Sadhu Singh too didn't delay the case. He ordered the defendants to present their case after one week.

The public prosecutor readily agreed to call the accused already declared innocent. From amongst the witnesses, the plaintiff was to be called first and other witnesses after Pankaj and the party had presented their case. The dates were fixed as per the convenience of parties concerned.

Neha was listed first to appear as witness on the date. Neha was trained by the lawyers of the Society handling the probable questions she could be asked by the lawyers of the

defence side. The Criminal law proceeds by assuming the accused as innocent. The proof against the accused has to be beyond doubt in all respects. The accused could be given the benefit of doubt if there is any chink in the evidence provided by the plaintiff.

Neha found it difficult to remember the doctored statement and proceed according to it in the Court. But the uncle explains to her how in our Courts the truth may result in the acquittal of criminals and false statements may ensure justice. Neha felt utterly confused. It was a puzzle for her as to why law forces witnesses to speak lies. Why can't it plug its loopholes? She was gaining tension and losing appetite. She remembered the actuality but lost the track of what was recorded in the written statement. The law is blind and cruel, explained the uncle. The judges care more for the human rights of the accused, but have no sympathy for the suffering of the victim. The doctor did not mention the fact of rape in her report. But the police quite mysteriously incorporated it in the recorded statement. The law has given unbridled powers to the police. The truth doesn't fit into the definition of crime by law. It needs hundred and one lies more to conceal a single lie. And the benefit goes to the culprit. The law obliges the witness to give his own statement. But the statement is challenged by the lawyer of the accused. It is unjust. What is fair is that the victim should be questioned by the accused and the answers should be provided by the victim's lawyer. Unfortunately, what actually is permitted is the reverse of it. Ram Nath admits in response to Neha's queries that law is loaded in favour of the accused, because law-makers need it to be so more for themselves than for the law-abiding citizens.

The Public Prosecutor had committed another mistake too while opting for Neha to be the first witness. Similarly, the statements of witnesses of the crime were not recorded under desired supervision and some of the crucial facts in them were at variance which could jeopardize their case. The first witnesses to record their statements in the Court should have been one who in chronological order were firsts too. The lapses on such fronts would very likely subvert the case of the plaintiffs. Pankaj and Neeraj hatched the conspiracy, no doubt. But they were not a direct part of the assailants. Neha didn't know anything about their role. So to call her as the first witness was something misplaced. Quite a number of things about the conspiracy were discussed on the mobile first. But the witness from the Company concerned too was not called as one of the first witnesses. The conspiracy was hatched in the presence of the munitim of the factory and some crucial facts recorded by the store-keeper and the gate keeper under

signatures of the organizer (Thanedar) of supari assailants. All these witnesses should have been given precedence to gain strategic and tactical advantage. But none did it so.

The witness plays a crucial role in the ultimate judgement. But the important witnesses belonged to Pankaj. Further, the law of evidence is too archaic to be of any relevance in the present scientific age. It needs eye witnesses in every case, which is an unrealistic proposition.

The Munim stated in the court that no conspiracy was ever devised in his presence. The storekeeper and the gatekeeper confessed Thekedar's visit to the factory, but pleaded ignorance about conspiracy theory. He provided labour for the factory. So his visits were natural and a routine business. The bag was nothing more than a cheap and casual gift for the labour.

However, Harish Rai so managed the proceedings in the court that Pankaj and Neeraj were rebooked as an accused party and were ordered to appear in the court during the next hearing. Sadhu Singh finished three months job during three days.

Pankaj and his lawyers devised various schemes to counter Sadhu Singh and delay the case. It reflex the deterioration in our criminal justice system, Nand Lal was busy bragging all the time, though, he had been able to do nothing for his clients till now despite fatty fee, he got for the purpose.

He started using delaying tactics during the next hearing. The defence lawyer huddled together to force Sadhu Singh to postpone hearing. They were not keen for early judgement by him. He was compelled to accept blackmail by them.

The event left behind a devastating effect on Ved Parkash's physifal and mental health. The case was delayed because of inherent flaws in law. Ram Nath too was becoming psychic.

The psychiatrist advised him to remain busy in constructive work for proper health. He needed the doctor's advice, but didn't compromise with Pankaj. But the day they left for Maya Nagar for appear again in the court, they relapsed into the same old state of mind. The defence counsel repeated the same old drama in a modified form. The hearing was again postponed. They were waiting for the time when Sadhu Singh is transferred. They would appear together in the court only after Sadhu Singh was transferred. They were not at all ashamed of

using law in the most unethical manner. It occurred to none to affect judicial reforms to stop such felony in courts by the protagonists of law themselves.

However, Harish Rai's society did not allow the case to linger on as planned by Nand Lal. This caused some anxiety in Nand Lal- Pankaj camp. Nevertheless, a new strategy was devised to subvert the judicial process. It was rigorous, but full of surprises and possibilities. According to it the coming development would be so managed that Sadhu Singh would be replaced by a shrewd, but pliable judge whose first job would be to ensure desired acquittals. The efforts to achieve the objective were put in gear forthwith.

The next hearing begin with Neha's evidence and identification parade of the culprits. Neha did her job successfully, but for certain difficulties delebrately created by the police in the file. Sadhu Singh, the Sessions Judge was overwhelmingly satisfied, though Nand Lal behaved clumsily during the cross-examination and tried to hold the black-nickered criminal responsible for the crime. His observation was based on nothing more than conjecture.

In addition, Nand Lal was all the time conspiring to stretch the case beyond the date of Sadhu Singh's transfer, so that the judgement was written and delivered by the next judge who happened to be a person of Nand Lal's choice and of dubious reputation. The High court was pressing for expeditious disposal pof cases when Nand Lal and his dishonest tribe was trying to subvert the process. Sadhu Singh was given the free hand by the High court to fight his war against delay in justice caused by persons of Nand Lal's ilk in the legal profession. Sadhu Singh lost the battle, but won the war. Nand Lal won the battle, but lost the war. The battles were real, but the war represented the intrinsic flaws of jurisprudence. It is not over yet. It is continuing the ragging like the forest fire. Sandhu Singh fought through it till the last moment relinquishing charge at Maya Nagar. Nand Lal, however, retreated in shame but not without handing over the baton to his equally vicious disciple, delivering ethical sermons simultaneously. The innocents were languishing in the hospital, when the guilty were released soon after they were convicted. That was the new gift for Maya Nagar by Sadhu Singh's replacement. The new Judge was rewarded generously even before he set out to joint duty at Maya Nagar, the emblem of new India.

Sadhu Singh leaves Maya Nagar, asking all the time; Can India survives under laws that give unbridled powers to the police and the powerful? Can we afford the law and the panel code of the nineteenth century in Twenty-first-century? How long could be suffer the false

witnesses? How long shall we continue to give the benefit of doubt to exonerate known criminals on flimsy grounds? What does the term waqalat really mean? Hasn't it acquired the meanings we generally associate with what we call 'crime'? Shouldn't we pass a vote of thanks for our new God i.e. the God of black money and of the neo-rich class? Where are the Pandavas and Lord Krishna? Not here, please. Here live the Kauravas, our present rulers. The Pandavas have retired to Himalayas.

