

DATE: 06.05.2019

To

The SHO

P.S. Indirapuram

Ghaziabad, U.P.

Sub: Complaint against

1. Mr. Arvind Kumar Inspector, Dehradun Police posted in Police Line, Dehradun for the commission of offences under Section 166, 167, 191, 192, 196, 202, 203, 402, 420, 441, 467, 468, 471, 120B, 34 IPC.

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Thanking you

Yours faithfully



Umesh Kumar

R/o; 19242, ATS Advantage

Indirapuram,

Ghaziabad-201410

9899888622

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1. Mr. Arvind Kumar Inspector, Dehradun Police posted in Police Line, Dehradun for the commission of offences under Section 166, 167, 191, 192, 196, 202, 203, 402, 420, 441, 467, 468, 471, 120B, 34 IPC.

Respected Sir,

1. With due respect, I would like bring into your kind notice that I the undersigned is the CEO of a reputed news channel in UP and Uttarakhand, "**Samachar Plus**" and a journalist by profession. That while discharging my professional obligations, I have conducted a sting operation of the Chief Minister of Uttarakhand and his relatives along with Senior Government Servants of the State. That being a journalist I have the constitutional power of freedom of speech and expression as guaranteed by Article 19 of the Constitution of India. Sir, it is most humbly submitted that the present Complaint is to make apparent before your goodself the illegal acts done by SI Arvind Kumar, Dehradun Police on the directions of the Hon'ble Chief Minister of the Uttarakhand and thereby causing fraud to the judiciary and prejudicing me without any cogent reason and thereby scuttling my constitutional right.
2. Sir, an FIR No. 100 of 2018 came to be registered on 10.08.2018 at Police Station Rajpur Dehradun against me (undersigned) under Section 386, 388 and 120B of IPC. I would enunciate the gross illegalities and illegal acts committed by the above mentioned accused person and further would try my level best to portray the framework adopted by the State Machinery against me, the below factual matrix will



make it abundantly clear before your good self that how public servants are taking the law into their hands and thereby causing irreparable harm, loss of reputation, physical mental and emotional agony to me and my family. Sir, I have a channel named Samachar Plus under which approximately 100 employees are working since past 7 years. It is our reputation that we have crystallized the corruption in the country and made it apparent to the general public thereby performing our duty to our level best.

3. Below mentioned grounds are the grounds of registering an FIR against the accused person:

- a. FIR No. 100 of 2018 registered at PS Rajpur Dist. Dehradun alleging offences u/s 386, 388, 120B of IPC on complaint filed by Aayush Gaur who is the employee/ journalist of the Channel Samachar Plus of which the undersigned is the CEO, vide General Diary Entry dated 11.08.2018.
- b. That the registration of the said FIR and continuation of prosecution is actuated by malice and is an abuse of process of law as the undersigned is associated with a news Channel Samachar Plus which was conducting the investigation against the Chief Minister and his relatives along with Senior Government Servants of State of Uttarakhand for being involved in corrupt practices and had even managed certain recording/ stings involving the elder brother and nephew of the the CM, Uttarakhand and also the conduit of the Chief Minister namely Sanjay Gupta. Sir, it is submitted that the FIR was got registered with the intent to scuttle investigation and collection of further evidence of the deep rooted corruption in the state dispensation which involves the highest functionaries of the State of Uttarakhand.



- c. That the registration of FIR and action of Accused is violative of Article 19 of the Constitution of India. It is submitted that as a journalist it is the fundamental right of the undersigned as guaranteed under Article 19 of the Constitution of India to do the business and in exercise of freedom of speech and expression to do a sting for exposing the corruption by the State dispensation.
- d. Sir, to my utter shock and dismay I was arrested on 28.10.2018 on the basis of a search warrant dated 22.10.2018 and the search warrant states that the search warrant has been issued to seize electric device and memory card. Bare perusal of the FIR and the search warrant the intent of the accused and that of the highest authorities within the State against the undersigned/ Complainant. The said search warrant was issued to recover the recordings of the meeting held where monies were exchanged, demand was made and assurance granted for doing certain works for monetary consideration by the Hon'ble CM, Uttarakhand.
- e. Sir, I believe that, Inspector Arvind Kumar, the IO of the matter was working under the direction/supervision and control of highest powers within the State of Uttarakhand at whose behest the malicious FIR No.100 and consequent proceedings had been initiated against the undersigned.
- f. That the complainant Aayush Gaur of the FIR was supervising various sting operations being conducted by the news channel Samachar Plus, under the overall control and supervision of the undersigned being the editor-in-chief. The complainant Aayush Gaur had sought various directions and permissions from the undersigned with regard to conduct sting operations. The



undersigned believe that the complainant is acting at the behest of Chief Minister, in the State of Uttarakhand, thereby falsely implicating the undersigned in the criminal case in order to prevent the wide spread illegalities and corruption being committed by Chief Minister of Uttarakhand and his family members.

- g. That on or about 14.08.2018 IO Arvind Kumar filed an application under section 70 & 93 seeking arrest and search warrant of undersigned and the same came to be rejected. The said application and orders are not available with the undersigned and the said fact is mentioned by Accused No.1 in his application dated 10.08.2018 filed before Ld. CJM Dehradun Uttarakhand.
- h. That the IO Arvind Kumar, Accused No.1 has issued Notice under Section 91 of Cr.P.C. dated 15.08.2018 (which was a public holiday) to the undersigned directing him to appear before the Accused No.1. That the said Notice was never served upon the undersigned. It is pertinent to submit here that the accused No.1 has played fraud not only upon the undersigned but also upon the Court which is obvious from the following:-
 - i. A Notice under Section 91 of Cr.P.C. was issued dated 15.08.2018 (which is a public holiday) and on the same day at 13.27 Accused No.1 along with one Sandeep Kumar reached Police Station Gautam Budh Nagar Uttar Pradesh.
 - ii. General Diary Entry of P.S. Gautam Budh Nagar dated 15.08.2018 records this entry and directions for forced to be provided for service of notice was issued.



- iii. The undersigned has reason to believe that no such force was deployed as in fact IO Arvind Kumar left the Police Station without making any effort to serve the notice upon the undersigned. However, this belief was confirmed after the undersigned written a letter to the security in charge of ATS Advantage Indirapuram Housing Society where the undersigned resides, vide this letter the undersigned has prayed for the copies of the entry and exit registers placed at the entrance of the society at Gate No.4 and the lift gate of Tower-19 of the said Housing Society.
- iv. The IO has placed on record of the Ld. CJM Dehradun two pages of entry and exit registers under which the entry and exit time was noted and the Flat No. 19241 is mentioned. However, after seeking copies of the said entry and exit registers by the undersigned the original register has no mention of Flat No. 19241 which abundantly makes it clear that said entry was forged and fabricated by the IO Arvind Kumar thereby invoking the provisions of sections 420, 467, 468, 471 of IPC and the fraud that he has played on the Hon'ble Court straight away invokes the provision of sections 120-B of IPC as the said FIR is conspired under the directions of Super powers within the state dispensation. Due to this gross abuse of his power he has levied upon himself the contravention of section 166, 167, 191, 192, 196, 202, 203, 420, 441, 467, 468, 471, 120B, 34 IPC in totality. The copy of entry and exist register of the visitor book as placed in the lift of tower 19 is annexed herewith as **Enclosure-A** and is also placed on record of the Hon'ble



CJM Court. Original copy of the register received by way of the application dated 23.03.2019 filed before the Security In-charge of ATS Advantage Indirapuram is enclosed herewith and marked as **Enclosure-B.**

- i. That on the very same day i.e. 15.08.2018 the General Diary Entry at Gautam Budh Nagar Police Station which was the jurisdictional police station of the undersigned at 13.57 hrs an entry was made. Another General Diary Entered at 14.23 hrs at Gautam Budh Nagar Police Station with regard to service of notice under section 91 Cr.P.C. upon the undersigned stated that necessary action will be taken. However, after perusing the above register entries and the time durations of the said entries it can be stated with conformity that no attempt to serve the notice u/s 91 Cr.P.C. was made and the said notices were neither served on the undersigned nor an attempt of service was made by IO Arvind Kumar. Photocopy of the General Diary Entry dated 15.08.2018 entered at 13.57 hrs and 14.23 hrs at Gautam Budh Nagar Police Station with regard to service of notice u/s 91 Cr.P.C. are enclosed herewith and marked as **Enclosure-C.**
- j. That IO Arvind Kumar Accused No.1 filed another application seeking arrest and search warrant before the Ld. CJM on 18.08.2018. The Ld CJM-III Dehradun rejected the prayer for rejection of warrants for arrest and search against the undersigned and rightly noted in its order rejecting the issuance of warrants that for investigation of the alleged offences u/s 386, 388, 120B IPC the documents sought namely electronic devices and gadgets have no concern with regard to the alleged offences and also that appropriate notices



under section 91 of Cr.P.C. have not been complied with. The copy of the Application Under Sections 70 & 93 filed before the Ld. CJM -3 is enclosed herewith and marked as **Enclosure-D** and the photocopy of the order dated 18.08.2018 passed by Ld. CJM-3 Dehradun is enclosed herewith and marked as **Enclosure-E**.

- k. That on 24.08.2018 the Ld JM-1st Dehradun rejected yet another application making the prayer for issuance of search warrant and arrest warrant under section 70 & 93 respectively. The IO Arvind Kumar being the Investigating Officer sought arrest and search warrant out of ulterior motives and on the instructions of CM and his alliances, in order to silent the undersigned and to stop the story with regard to sting operations conducted on the higher officials of the State of Uttarakhand, Sir, the Ld. JM was correct in rejecting the prayer for issuance of warrants at the instance of IO Arvind Kumar Accused No.1 as the Ld. Judicial Magistrate rightly records the reasons for refusal to issue warrants namely that the Application for warrant seek certain devices and electronic documents for the purposes of search and seizure whereas the statement recorded u/s 161 and 164 Cr.P.C. by the IO make out a case that the undersigned was threatening the complainant Aayush Gaur for taking his life, if the sting is not done. Therefore, the Ld. Magistrate rightly concluded that there is no ground for issuance of warrants under Section 93 Cr.P.C. and hence cannot be issued because the provisions of section 91 of Cr.P.C. have not been complied with. Furthermore the Ld. Magistrate noted that no new evidence or fact has been presented before the Hon'ble Court to issue search warrant and non bailable warrants. Copy of order dated 24.08.2018 passed



by Ld. JM-1 in FIR No.100 of 2018 is enclosed herewith and marked as **Enclosure-F.**

- l. That on 11.10.2018 IO filed a Revision Petition No.283 of 2018 challenging the order dated 18.08.2018 or 24.08.2018 by which Ld. Magistrate had twice registered the application for grant of search and arrest warrants of the undersigned. Sir, the sole Respondent in the Revision petition was State of Uttarakhand. It is submitted that IO Arvind Kumar should have applied his legal mind that he did not have any grievance against the State or the State was not the aggrieved person in the Revision Petition who was to defend the order impugned therein.
- m. That on 11.10.2018 Accused No.1 preferred a Revision before the District & Sessions Judge Dehradun in a proceeding alien to law and which itself smacks of gross arbitrariness and malafide intention as Accused No.1 at the behest of Accused No.2 preferred a Revision Petition against himself as he was the Investigating Officer for the State of Uttarakhand. The proceedings adopted by the Accused No.1 was not maintainable as the Revision against an order of rejection of issuance of warrants for arrest and search is not maintainable in law as per numerous decisions of the Hon'ble Supreme Court of India. Furthermore, the IO played a fraud upon the court by filing a Revision against himself. The photocopy of the Revision petition No.283 / 2018 filed by the Accused No.1 is enclosed herewith and marked as **Enclosure-G.**
- n. That on 12.10.2018 the Ld. District & Sessions Judge, Dehradun allowed the above said Revision Petition thereby issuing an order without jurisdiction



setting aside the order dated 24.08.2018 passed by the Ld. JM refusing to issue warrants. Thereafter, the IO was allowed to submit his case before the Ld. JM against the undersigned the said revision petition was not maintainable and the order passed in the Revision Petition was non-est in the eyes of law and the undersigned is seeking a declaration to this effect before the Hon'ble High Court of Uttarakhand at Nainital. The order dated 12.08.2018 was based upon a fraud committed by the Accused No.1 upon the Hon'ble Court by filing a revision against himself and there being no ground for issuance of warrants for arrest and search against the undersigned. The copy of order dated 12.10.2018 passed by Ld. District & Sessions Judge is enclosed herewith and marked as **Enclosure-H**. That on 22.10.2018 arrest warrant and search warrants for the undersigned was issued by Ld. ACJM-III, Dehradun. Copy of the Search Warrant dated 22.10.2018 issued by Ld. ACJM-III, Dehradun u/s 93 of Cr.P.C. is enclosed herewith and marked as **Enclosure-I** and the copy of arrest warrant dated 22.10.2018 issued by JM under Section 17 of Cr.P.C. 1973 is enclosed herewith and marked as **Enclosure-J**.

- o. Sir, it is for your kind consideration to kindly note that the investigating agency executed the warrant of arrest only on 28.10.2018 when the personnel of Uttarakhand Police along with Uttar Pradesh Police came to the residence of undersigned at 7.00 A.M. in the morning and proceeded to arrest him. It is pertinent to mention that neither the arrest memo nor the seizure memo has been provided to the family of the undersigned for five months, which again points out the illegality against the undersigned by the Accused No.1



- p. Sir, the applicant resides at Flat No.19242 in Tower-19, ATS Advantage, Indirapuram, U.P. However, after perusing the search warrant and the register entries filed by the IO before the Hon'ble Court the address at which the notice u/s 91 of Cr.P.C. was served was mentioned as 19241 which is a vacant flat and as per records of the ATS Advantage Housing Society Indirapuram the said flat was not even handed over to anyone since inception. The fact presented by the Accused No.1 before the respective authorities of law is a way to harass the undersigned on behest of accused nos. 2 to 4 as their corrupt practices have been recorded by the Applicant in his camera and further to hide the same procedure mentioned above was adopted by the State Machinery and at every step adopted by the State machinery to be specific accused no.1 the illegalities are numerous which if taken care and given due consideration by your good self makes out a case under the relevant provisions of Indian Penal Code and if investigated further may invoke the serious sections of Prevention of Corruption Act against the accused persons.
- q. Sir, on 28.10.2018 when the search was conducted, it is pertinent to point out that the whole search warrant and arrest warrant was taken playing fraud upon the Court and the money and the recovery done by the accused no.1 on behest of accused no.2 to 4 is dacoity as per the relevant provisions of Indian Penal Code. The Accused No.1 / IO was accompanied by several officers of Uttarakhand police which tantamounts that any assembly for purpose of committing dacoity and shall be one of the five persons assembled for the purpose of dacoity commits the offence of dacoity under section 402 of IPC,

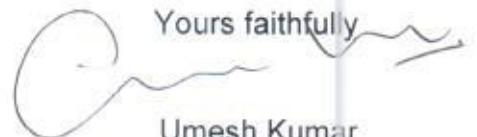


hence IO Arvind Kumar shall be investigated for the illegal acts and the seizure done may kindly be considered as dacoity.

4. In view of the above I took a conscious decision to approach this Hon'ble Authority, for taking appropriate action. I have submitted all the relevant evidences which proves the contravention of the above sections and I would urge before you Sir, that you may please kindly take strict action against the accused persons.
5. Sir, the CM has framed the persecution of the undersigned in connivance with the highest authorities in Police, without which it would have been impossible to execute the search warrants and the functionality / *"modus operandi"* was such that the IO was led to a trap which he himself has created to incarcerate the undersigned in a false case, only for the sake of recovering the sting conducted upon the CM and his alliances. Furthermore, the hidden assistance from Police could be from any level of the Police dignitaries which may involve the SSP and IG Zone, Garhwal, which would become more apparent post investigation of the present Complaint.
6. The aforesaid factual matrix makes it crystal clear that the I the undersigned has been victimized which was in fact only a façade to cause serious and substantial agony to me. Such being the scenario, the undersigned is constrained to file the present complaint seeking appropriate legal action against the accused persons.

Thanking you

Yours faithfully



Umesh Kumar
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