

# ATAL BIHARI DUBEY

## ADVOCATE HIGH COURT

Cama Chambers, 1st floor, 23 Nagindas Master Road, Fort, Mumbai.400023

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To

Hon'ble Chief Justice of India

Supreme Court of India

Tilak Marg, Mandi House,

New Delhi, 110001

**Sub:- Fake Encounter of Viaks Dubey**

**Re:- Protecting fundamental rights which is guaranteed**

**by article 21 of Constitution of India**

My Lord,

I, Atal Bihari Dubey an Advocate practicing in Bombay High Court, residing at F 102, Grandeur, Sector 20, Kamothe, Navi Mumbai 410209 I beg to approach my lord to protect our fundamental rights.

Today, morning while watching news I came to know that Utter Pradesh Police encountered accused Vikas Dubey alleging that Vikas Dubey was trying to escape after snatching gun from police, However, when police asked him to surrender he shot at police. Therefore in counter attacked he was killed. I am totally against the crime done by Vikas Dubey and other accused.

My Lord, it was apprehension by us that Vikas Dubey will be going kill by Utter Pradesh Police as they have done same act with other accused in Kanpur Police murder case. Unfortunately, Police done same act and murdered Viaks Dubey and didn't follow guideline issued by this Hon'ble Court in PUSL Vs State of Maharashtra matter.

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As per our Constitution the state (article 12 of constitution of India) is having responsibility to provide guarantees the right to live with dignity to people of India. The right to live with human dignity denies the life breach from the Directive Principles of the State Policy, particularly clauses (e) and (f) of Article 39 read with Article 47 of the Constitution of India. A paramount duty is cast on the States and its authorities to achieve an appropriate level of protection to human life and health which is a fundamental right guaranteed to the citizens under Article 21 read with Article 47 of the Constitution of India.

My Lord, it is not permissible for police personal to play judge. Is the satisfying of collective conscience in such a brazenly unlawful and murderous way healthy for democracy? My Lord, this is violation of rule of law and Constitutional guarantee.

My Lord, there is no provision in Indian law which directly authorised to Police to kill accused by creating such type of scene and kill them mercilessly. Police is not above the law and cannot take law into their hand. The story of police always supported by them that act of was done in self-defence. This Hon'ble court also painfully observed in its orders that Police violating fundamental rights of accused by killing them in shield of self-defence. It is not duty of police officer to kill the accused merely because he is criminal. Police have to only arrest the accused and put them up for trail. However, here in Vikas Dubey matter Police arrested him and given punishment by their own.

My Lord, our Constitution which gives guarantee to every citizen for fair trial and accused shall be punished as per the rule of law. Even as per Section 96 of Criminal Procedure code, also empowered to accused right to defence which is natural and inherent right of accused.

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My Lord, I am approaching this Hon'ble court as a guardian of our Constitution which gives guarantee to right to live to accused till they punished by court of law. In Vikas Dubey matter I am approaching this Hon'ble Court on following ground.

1. Vikas Dubey himself surrendered before the Madhya Pradesh Police and he was having apprehension that he might be killed therefore he Shouted by saying MAI VIAKSH DUBEY HU KANPUR WALA, AUR INHONE MUJHE PAKAD LIYA HI. Therefore it's proven that he was not having any intention to flee and he wants himself to save from fake encounter as police done with other accused.
2. Vikas Dubey, thereafter cooperated with the investigating agency and gave his statement that he and his tem killed 8 police officers and they were in planning to burn their body.
3. Vikas Dubey himself approached to Security personal of Mahakal Temple for calling police and he was seen very comfortable and never tried to flee from them also.
4. Vikas Dubey seems, also contacted to media so he can be saved from encounter or he was feeling safe in the presence of media therefore he shouted that MAI VIKAS DUBEY KANPUR WALA HU.
5. Vikas Dubey was handed over to UP police and they were returning back with Vikas Dubey to Kanpur. One of the four Pillar of democracy Media was also following police team and telecasting every movement of Vikas Dubey. However, Police stopped them before fake encounter incident and not allowed to follow them to Vikas Dueby.
6. According to them vehicle of Viaks Dubey overturned and he snatched Gun from Police and tried to flee. Question is why police shot him on his chest why not on leg?

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7. Two accused of the aforesaid incident was killed in similar manner. Why police have not taken lesson from that incident and allow Vikas Dubey to flee?
8. I fail to understand why in this case almost 3 to 4 accused including Vikas Dubey tried to flee from the police custody and they were killed by police.
9. In the Vikas Dubey case some Police and Political personality involved therefore he was protected till he surrendered. It is also a fact that he already got tip from police therefore he came in position to kill 8 police officers and run away easily from UP. Therefore involvement of Police officers and Political personality cannot be ruled out.
10. If further investigation conducted then faces of some of corrupt Police officer and Political personality surly came out before us therefore it is well planned murder by the police.
11. As per the media report almost 20 to 30 police personal were there with Vikas Dubey and they are best trained police officer of UP police. It is question mark on their capability as they could not arrest an accused live. It is beyond my logical comprehension.
12. It is also surprise and supporting my contention that since beginning Police were taking Law in to their hand and created their own law. UP Police demolished house of accused and destroyed his cars. Its failure of UP police who fail to maintain Law and order in the State. No law in India permits Police to demolish House of Accuse and destroy his cars.

I am therefore approaching this Hon'ble court in extra judicial killing and requesting for judicial review. Humble request to this Hon'ble court to direct CBI (Central Bureau of Investigation) to register and FIR against all the police personal under section 302 and other sections and other responsible person who involved in this incident.

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My Lord, I therefore humbly, with my folded hand, requesting to please take suo moto cognizance of the so called encounter of Vikas Dubey which is violation of his fundamental rights. I am also requesting to transfer entire investigation to CBI in observation of retired Supreme Court Judge. Please take Suo Moto Cognizance against Uttar Pradesh Government and Police for not following guideline of this Hon'ble Court.

Thanking You

Yours Truly

Atal Bihari Dubey