



# BAR COUNCIL OF WEST BENGAL

(A body constituted under the Advocates Act, 1961)

2 & 3, KIRAN SANKAR ROY ROAD, CITY CIVIL COURT BUILDING, 7TH FLOOR, KOLKATA - 700001

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CONFIDENTIAL

Date : 25.06.2021

To,  
The Hon'ble Chief Justice of India  
The Supreme Court of India

Sub: Removal of Hon'ble Justice Rajesh Bindal, The Acting Chief Justice of the Hon'ble High Court at Calcutta with immediate effect.

Dear Sir,

We, the members of the West Bengal Bar Association, are compelled to write this instant letter under urgent and dire circumstances.

The Calcutta High Court being the oldest chartered court in the country has a rich cultural and historical past. Being associated with such an esteemed institution, it pains us greatly to write this letter. Our Hon'ble High Court has been shaped up through the impeccable commitment and devotion of the officers of this court, including but not limited to the Hon'ble Judges, Advocates, administrative officers as well as other staff members towards maintenance of the highest standards of ethics and morality. Any endeavour that may seek to endanger the sanctity of this Hon'ble Court will destroy the sacred fabric of this institution.



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The Hon'ble Justice Rajesh Bindal was transferred to Calcutta High Court vide Notification No.K13015/06/2020-US.1 dated 31.12.2020 from the common High Court for the Union Territory of Jammu & Kashmir and Union Territory of Ladakh ("Jammu & Kashmir High Court") and was sworn as a Judge at the Calcutta High Court on January 5, 2021. Thereafter he was appointed as the Acting Chief Justice of the Calcutta High Court on and from 29.04.2021.

Hon'ble Justice Bindal has had a chequered past while he was appointed as the Acting Chief Justice of the Jammu & Kashmir High Court. Disgruntled by Hon'ble Justice Bindal's attitude/behavior, the Jammu & Kashmir High Court Bar Association had resolved to boycott the court of Hon'ble Justice Bindal on or around 16.09.2019. It is not surprising that Hon'ble Justice Bindal was appointed as a Judge of the High Court of Jammu & Kashmir only on 19.11.2018 and within a year lawyers at Jammu & Kashmir were fed up of his Lordship's antics. A copy of the said resolution dated 16.09.2019 passed by the Jammu & Kashmir High Court Bar Association is annexed hereto and marked with a letter "A".

Soon after being transferred to the Calcutta High Court, Hon'ble Justice Bindal was appointed as the Acting Chief Justice. On and from his date of appointment as the Acting Chief Justice of the Calcutta High Court, there have been numerous instances which have forced us to issue the instant letter praying for removal of his Lordship as a Judge from the Calcutta High Court. We would like to set out some of the instances which has given rise to a perception that Hon'ble Justice Bindal is an unfair, partial and biased judge and whose continuance at the Hon'ble High Court interferes with the fair and impartial dispensation of justice.

1. The way Hon'ble Justice Bindal has dealt with W.P.A. 10504 of 2021 (CBI, ACB, Kolkata – Versus – Sri Firhad Hakim @ Bobby Hakim & Ors. also known as the "Narada Bail Matter") sets serious doubts over the conduct and character of Hon'ble Justice Bindal. Hon'ble Justice Bindal by an order dated 17.05.2021 had stayed an interim order of bail passed by the Special CBI Court in favour of members of a certain political dispensation without giving the aggrieved parties an opportunity of being heard. If that was not all, the manner in which the Central Bureau of





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Investigation had approached the Hon'ble Calcutta High Court by way of an application/letter, based on which an interim order of bail was stayed and the liberty/relief granted to the accused persons were snatched away, indicate that Hon'ble Justice Bindal does not have any regard for judicial propriety and has committed a mockery of the judicial conscience.

2. The conduct of Hon'ble Justice Bindal prescribed hereinabove was denounced and condemned by the Sitting Judges of the Calcutta High Court. In this regard , we may refer to a letter dated 24.05.2021 written by Hon'ble Justice Arindam Sinha wherein he took serious exception to the manner in which the Narada Bail matter was handled by the Division Bench headed by Hon'ble Justice Bindal. His Lordship did not mince his words while observing that the conduct of the Hon'ble Justice Bindal was unbecoming of the majesty of the Calcutta High Court. His Lordship even went to the extent of admitting that the conduct of Hon'ble Justice Bindal had reduced the judiciary to a mockery. It is not surprising that despite such harsh criticism, the said matter is still unconcluded and is presently being heard by a bench comprising of 5 Judges headed by Hon'ble Justice Bindal. A copy of the said letter written by Hon'ble Justice Arindam Sinha, sitting Judge of the Calcutta High Court is annexed hereto and marked "B".
3. The fact that the 5 Judge Bench headed by Hon'ble Justice Bindal has allowed repeated requests by CBI to file its affidavits, but has declined the request made by Smt. Mamata Banerjee and Sri Moloy Ghatak to file affidavits and contest the matter where serious allegations have been made against them is a clear sign of Hon'ble Justice Bindal's apparent bias.
4. At this juncture, we would like to bring forth the fact that in his decades long career at the bar, Hon'ble Justice Bindal has not been associated with any landmark case. To the contrary, as His Lordship's biodata would suggest (as available on the official websites of Calcutta High Court and Jammu & Kashmir High Court), Hon'ble Justice Bindal was more occupied with administrative commitments than judicial. It can be seen that Hon'ble Justice Bindal has headed



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various committees, however, the same biodata does not speak of any judicial proceeding/pronouncements having an impact where Hon'ble Justice Bindal was a part of.

5. The absurdity and inanity of Hon'ble Justice Bindal's conduct is further evident from the way His Lordship assigns different determinations to the Judges of the Calcutta High Court. The most glaring of them being, the assignment of matters viz. criminal revisional applications, admission and hearing of criminal appeals including bails under Section 439 of Cr. P.C. filed 2020 onwards to Hon'ble Justice Kausik Chanda. We need not delve into the importance and relevance of criminal jurisdiction and the role of Judges assigned cases of such category. However, it would not be out of place to indicate that Hon'ble Justice Kausik Chanda is an erstwhile member of Bharatiya Janata Party and is someone who takes great pride in such an association. Hon'ble Justice Kausik Chanda is a Judge who has not yet been made permanent at the Calcutta High Court. Hon'ble Justice Chanda is known to have a deep and profound association with the BLP and its leaders. All of which hint toward the fact that someone like Hon'ble Justice Chanda will not be able to impart complete and impartial justice in cases pertaining to the criminal jurisdiction. Hon'ble Justice Bindal's decision to assign such an important determination to Hon'ble Justice Kausik Chanda had disturbed many. The West Bengal Bar Association even made a representation to Hon'ble Justice Bindal criticizing his acts and conducts and requested him to reassign matters concerning the criminal jurisdiction to a different bench. However, not surprisingly, all such pleas and criticism fell to deaf ears. A copy of the said representation is annexed hereto and marked "C".
6. Smt. Mamata Banerjee had filed an election petition before the Hon'ble Calcutta High Court challenging the victory of Sri Suvendu Adhikari in the West Bengal Assembly Elections in 2021. Election petitions are civil matters heard by single Judges presiding over the original side of the Calcutta High Court. The said matter was filed and mentioned before the single bench headed by Hon'ble Justice Sabyasachi Bhattacharya and His Lordship was pleased to fix the said matter for hearing. In the meantime, Hon'ble Justice Bindal snatched away the matter from Justice





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Bhattacharya's determination and assigned the same to his favourite Judge Hon'ble Justice Kausik Chanda. Hon'ble Justice Bindal is responsible for brewing a storm at the Calcutta High Court by assigning the matter to Hon'ble Justice Kausik Chanda while being completely and fully aware of Hon'ble Justice Chanda's long-standing association with the BJP. Any reasonable person having a basic sense of ethics and morality would not have done something so ludicrous. The Chief Justice being the master of roster is expected to exercise the highest standard of judicial propriety. However, the acts and conduct of Hon'ble Justice Bindal prove otherwise. It is a matter of serious concern that a formal application was made before Hon'ble Justice Bindal for reassignment of the said matter to a court other than Hon'ble Justice Chanda, however, no steps have been taken at Hon'ble Justice Bindal's end to allow/facilitate the same. More surprisingly, the said matter continues to be listed before Hon'ble Justice Chanda.

7. The appellate side rules of the Calcutta High Court prescribe that criminal revisional application filed under Section 482 of Cr. P.C. are to be heard and decided by a bench comprising of a single Judge. However, to our utter shock and surprise, we have noticed that Hon'ble Justice Bindal has reserved certain matters filed under Section 482 Cr. P.C. to be decided by a Division Bench headed by His Lordship himself. Such an instance is unprecedented and unheard of and raises questions of apparent bias against Hon'ble Justice Bindal. In this connection, we are hereby annexing a copy of the cause list dated 16.06.2021 which clearly shows that Hon'ble Justice Bindal has reserved matters concerning Section 482 Cr. P.C. for passing orders in complete contravention of the judicial discipline and decorum. We have reasons to believe that one of the petitioners in the matters is the daughter of a close friend of Hon'ble Justice Bindal and hence he has taken the burden of hearing such matter himself. A copy of the cause list dated 16<sup>th</sup> June, 2021 indicating Hon'ble Justice Bindal being in session of matters filed under Section 482 Cr. P.C. is annexed hereto and marked "D".
8. Further, vide various social media posts an impression is sought to be given that Hon'ble Justice Bindal is BJP's man through and through. There are pictures of Hon'ble Justice Bindal visiting the



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Hon'ble Governor Shri Jagdeep Dhankar's house which are widely published on social media. These pictures coupled with the conduct of Hon'ble Justice Bindal mentioned above seems to suggest that he is doing the bidding of the Hon'ble Governor at the Calcutta High Court. Copy of one of the tweets shared by Hon'ble Sri Jagdeep Dhankar is annexed herewith and marked "E".

9. Recently, Hon'ble Justice Bindal heard a Public Interest Litigation initiated on the Court's own motion, based on a reference made by Hon'ble Justice Shivkant Prasad. Such reference was made on the basis of alleged news published in the daily Hindi newspaper called "Sanmarg" pertaining to "apprehension of waste of medicines worth a crore of rupees". Instead of examining the veracity of such alleged news report and applying his judicial mind, Hon'ble Justice Bindal was quick to issue notice upon the State of West Bengal and concerned departments only based on a report published by a newspaper. A copy of the said order dated 22 June 2021 is annexed herewith and Marked "F".

We beseech Your Lordship to take immediate steps for removal of Hon'ble Justice Rajesh Bindal as a Judge of Calcutta High Court so that the majesty and sanctity of the Calcutta High Court is upheld and to ensure peoples' confidence in the judiciary does not fall to pieces. Unless urgent steps are taken for the removal of Hon'ble Justice Rajesh Bindal, we will be mute spectators to the continuous travesty of justice at the hands of a prejudiced, biased and skewed Judge and justice will be denied to the ungarded citizens of this great nation.

*With regards,*  
*Ashok Kumar Deb*

CHAIRMAN  
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