

English Transcription
Court of Civil Judge (CD) / Judicial Magistrate, Kashipur

Cr. WP No. 34/2016
Naseem Vs. Dr.Azizur Rehman

Order

Dated : 02-07-2016

Documents filed /called

Sh. Dharmendra Tuli Ld Advocate of the complainant
Mohd.Naseem present before the Hon'ble Court.

Objections have been made against the final report submitted on 25-01-2016 on behalf of Police Station , Jaspur that child of the applicant /complainant has been assessanated by Dr.Azizur Rehman by giving poisonous medicine during treatment. Applicant /Complainant with the support of law after obtaining the information under Right to Information Act, lodged the complaint against the bogus Doctor that degree of so called bogus Doctor is not only bogus but the Institution from which the Doctor has taken the certificate is also bogus and for that reason the Chief Medical Officer Udhamasingh Nagar has already mentioned this fact in his letter dt. 01-04-2016 addressed to State Information Commissioner , Dehradun that G.B.Pant University of Agriculture & Technology , Pant Nagar may lodge FIR against NEHM of India. The applicant has also collected the information under RTI Act on 15-03-2016 from Ministry of Health & F.W., Govt. of India stating therein that recognition of new systems of medicine is under consideration. Since the Bill is at present under consideration , Ministry didn't allow to any body or any place for clinical practice and trial on Electro Homoeopathy. Chief Medical Officer Udhamasingh Nagar has also written vide his letter dt. 08-08-2015 with regard to BEMS certificate of the accused by this University. The inspection report Sh.Deepak Kumar , Drug Inspector Udhamasingh Nagar dt. 20-06-2015 has also been enclosed who himself already caught with donation /lawry . The SI Mahesh Joshi has sent a letter on 25-10-2015 to Chief Medical Officer Udhamasingh Nagar

about the FIR No. 255/2015 u/s 420 IPC lodged the Police Station Haz with regard to the verification about the certificates of Dr.Azizur Rehman and the verification letter has also received on next day i.e. on 29-10-2015 from NEHM of India Janak Puri, New Delhi which was addressed to SHO Jaspur degree /registration has already been renewed on 26-09-2011 . On seeing the letters available with the registration /petition indicates confusion in the case that letter has been sent to CMO but reply clarification is being receiving from Delhi even on next day. Sh. Mahesh Joshi has also wrote a letter to research centre about the verification of Technical collaboration with NEHM of India and Agriculture & Technology , Pant Nagar and of that basis on 07-11-2015 Sh.J.P.Singh Director research centre has narrated that signatures, number cutting on MOU are defer and not tallied with the original stamp paper. On 23-07-2010 the principal secretary Uttarakhand has also informed all District Magistrate whereby objections were made to write “Dr” with the name of Electro Homoeopathy practitioners and such practitioner must write on sign board that the system is not recognized. Such letter is also available in the application. On 19-04-2016 applicant has also submitted the application no. P.G.0119182016 lodging a compliant with view to sought out the problem and on that ground Chief Medical Officer Udhamasingh Nagar has stated on 26-04-2016 that those who are misusing the name of Pant Nagar university on bogus certificate, FIR should be lodged against them. On 16-05-2016 the Co-Director , Admn. , Anushravan Bibhag has also informed individually to SSP to Udhamasingh Nagar vide his letter no. R/2016/686 dt. 28-04-2016 to ensure lodging FIR. The Dy.Vice Chancellor of Pant Nagar University has also informed the Director medical education & PK Kumayun Mandal that BEMS course is not commenced by G.B.Pant University Agriculture & Technology, Pant Nagar , already tagged / attached in the documents which also proves that opposite party Azizur

Rehman is a bogus doctor and is playing with the lives of the people by cheating them. Therefore taking into consideration facts and circumstances mentioned above, requested to the Hon'ble Court to pass an order to make impartial investigation from other investigator who may submit the proper report.

Copies of the letter dt. 26-04-2016, letter dt. 16-05-2016, letter dt. 21-04-2016 letter dt.15 March, 2016, letter dt. 01-04-2016 & paper clipping has also been submitted by the applicant in favour of objection.

Heard and referred to the documents .

On this matter on the basis of the arguments of the complainant Mohd. Naseem, FIR No.255/2015 u/s 420,328 & 304 IPC 1816 have been lodged against Dr.Azizur Rehman in Jaspur Police Station and thereafter the inspector submitted the inspection /verification report that complainant has also registered another FIR about the death of his son in Police Station Afzalgarh, Distt. Bijnor (UP) by changing the reason of the death of his child on that basis the charges have been indicated u/s 328,304 IPC and clinic of the opposition party Dr.Azizur Rehman has also been inspected by Drug inspector in different dates but nothing has been found defects and it has also been verified that certificates of Azizur Rehman has been issued by NEHM of India and NEHM of India & G.B.Pant University of Agriculture & Technology, Pant Nagar. Both have Technical Collaboration for medicinal plants for 10 years and that reason the impression was printed as Technical Collaboration with G.B.Pant University of Agriculture & Technology, Pant Nagar for medicinal plants on BEMS certificate of Dr.Azizur Rehman. A similar case also arose in the matter of Gurwinder Kaur R/O Amritsar who had also completed BEMS course from NEHM of India and the impression Technical Collaboration with G.B.Pant

University of Agriculture & Technology, Pant Nagar was also printed on her certificates and in her case in SLP (C) No. 29919/11 , Hon'ble Supreme Court of India ordered that there is no ban on **medical practice** of Electro Homoeopathy and the complainant application filed u/s 156 IPC was also dismissed by the Hon'ble Court earlier as it has been found that the BEMS certificate was issued by NEHM of India, New Delhi.

After scrutiny of the documents of the complainant , following objections have been made on final report of the Inspector :

- i. So called certificates bearing S.No. 01519 dt. 26-09-2011 in respect of Azizur Rehman has been issued by NEHM of India is bogus because the certificate has not been issued by G.B.Pant University of Agriculture & Technology, Pant Nagar .
- ii. The practice is being made by Dr.Azizur Rehman in Electropathy / Electro Homoeopathy is not valid .
- iii. By making mutual understanding the final report submitted by the Inspector is not proper .

In so far as the first objection /charged made by the complainant in question , after going into the detail of the disputed certificate , it has been found that the so called certificate has not been issued by G.B.Pant University but only impression has been printed on the certificate on compliance of the MOU issued between university and NEHM of India . This fact has also been mentioned in letter dt. 27-08-2015 issued by NEHM of India and copy of which has already obtained during submission of the report. In addition to this by this letter it has also been found that so called disputed certificate has been issued by NEHM of India. On that ground the first objection of the complainant stands weak.

Second objection in question , by the letter dt. 27-08-2015 , NEHM of India already clarified that the person possessing the

registration certificate is eligible /entitled to medical practice in Electropathy view of the order of the Govt. of India dt. 05-05-2010 as well as order of Hon'ble Supreme Court of India dt. 22-01-2015. The Inspector has already submitted these orders of Central Govt. dt. 05-05-2010 and order of Hon'ble Supreme Court of India dt. 22-01-2015 and in that contexts second objection also stands weak.

In so far as the third objection of the complainant of the questions , the inspector has submitted his final inspection report on the basis of genuine observation & making scrutiny of the documents in the opinion of the Court and in that context the third objection of the complainant is also stand weak.

On the basis of facts & circumstances referred in above all objections/charges made by the complainant deserve to be dismissed.

ORDER

Objections/charges made by the complainant Naseem are dismissed and final report of the Inspector is being accepted. Issue letters for necessary compliance.

Anirudh Bhatt
Judicial Magistrate /Civil Judge (CD)
Kashipur, Distt . Udhamasing Nagar

True Copy
Sd/-

12-07-2016