

Report Summary

Report of the Inquiry Committee to investigate allegations against Justice Soumitra Sen of Calcutta High Court

Background

A motion was moved by 58 members of the Rajya Sabha for the removal of Justice Soumitra Sen, (a Judge of the Calcutta High Court) on grounds of misappropriation of funds. The Chairman, Rajya Sabha constituted an Inquiry Committee on March 20, 2009 to look into the matter. The Committee comprising Hon'ble Justice B. Sudershan Reddy (Chairman), Hon'ble Justice T.S.Thakur and Shri Fali S. Nariman submitted its report on September 10, 2010.

Charges framed

The two charges which led to an investigation into alleged misconduct of Justice Soumitra Sen were:

- a. Misappropriation of large sums of money, which he had received in his capacity as Receiver appointed by the High Court of Calcutta; and
- b. Misrepresentation of facts with regard to the misappropriation of money before the High Court of Calcutta.

Observations and Findings of the Committee

General observations of the Committee on the case:

- a. Justice Sen's assertion that he had the right to remain silent during the investigations was incorrect.
- b. He did not cooperate with the Court proceedings; was not present for hearings, did not furnish information requested by the Court and did not provide any evidence in his defence.

Facts and Findings of the investigation by the Inquiry Committee are divided into two periods:

- a. During the period he was an **Advocate**:
 - Justice Soumitra Sen was appointed Receiver in a case by an order of the Calcutta High Court on April 30, 1984. As a Receiver Justice Sen had the power to collect outstanding debts and claims due in respect of certain goods.
 - The Receiver is required to file and submit for passing, his half yearly accounts in the Office of the Registrar of the High Court. However, Justice Sen did not comply with this rule both in his capacity as an advocate and a Judge.

- As a Receiver, Justice Sen was required to open only one account and not move funds without prior permission. However, the Committee found that two separate accounts were opened by Justice Soumitra Sen as Receiver, with ANZ Grindlays Bank and Allahabad Bank.
- A total sum of Rs 33,22,800 was transferred in these accounts from the sale of the goods which was unaccounted for.
- Justice Sen claimed he could not account for this amount since it was invested in a company called Lynx India Ltd. to earn interest. The Committee found this claim to be false as well. It was found that the amount transferred to Lynx India Ltd. had been made out of an account opened by Justice Sen's in his own name.
- The Committee concluded that (a) there was a large-scale diversion of fund, and (b) such diversion was in violation of the orders of the High Court. The purpose for such diversion remains unexplained.

b. During the period he was a **Judge**:

- Justice Soumitra Sen was appointed a High Court Judge on December 3, 2003. The committee noted that Justice Sen's actions were, "an attempt to cover up the large-scale defalcations of Receiver's funds".
- After he became a Judge he did not seek any permission from the Court for approval of the dealings, as required by the Court, nor did he account for the funds.

Conclusion

Based on the findings on the two charges the Inquiry Committee was of the opinion that Justice Soumitra Sen of the Calcutta High Court is guilty of "misbehaviour".

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