

S.C 79 of 2019
CNR No.WBBK01-001592-2019

PRESENT : Smt. Dr. Modhumita Basu, Additional District & Sessions Judge,
(Redesignated) Court, Bankura (J.O CODE NO. WB00870)

Order no. 28
Dated : 19.12.2024

Today is fixed for appearance and further order. No steps has been taken by the accused persons. It is now 12 p.m. None found, none appears on repeated call. Ld/Advocates of the local Bar Association has passed an resolution on 9.12.24 on false and frivolous grounds “ *that the Court is not sittig after 12:30 P.M and passing derogative comments towards the members who fails to attend the Court within 12:30 P.M due to their engagement in other Court and due to misbehavior of the court,it is resolved that the members of the association will abstain themselves to attend before the concerned Ld/court on and from 10.12.2024*”.

Such resolution of the local Bar is against the observation of the Hon’ble apex court passed in **Harish Uppal Vs. U.O.I 2003(2) SCC45** holding that Advocates has no right to go on strike/boycott and the courts are under no obligation to adjourn the matter because the lawyers are on strike. On the contrary it is the duty of all courts to go on with the matter on their boards even in absence of lawyers.

However as a mark of restrain till date this court has not passed any adverse order in hope of clearing of the impasse . Hon’ble Supreme Court of India in catena of judgments has consistently held that strikes by lawyers are illegal and unethical as they obstruct the administration of justice and violates the rights of the litigants to access to courts.

Further more the Hon’ble High court at Calcutta in tandem with the guideline of the Hon’ble apex court in this context has time and again condemned the practice of resolution of local Bar Associations on ‘Boycott of court’ and has deprecated such conduct of the Bar and at times by taking appropriate action[**In Re:Muklesur Rahaman @Milton**].

In view of the direction passed in **Re:Sk.Sazeed 2024** by the Honble High Court at Calcutta this court is left with no other alternatives but to bring it to the notice of the Hon’ble court and issue show cause as to why necessary order shall not be passed for absence of the Ld/ Advocates. Surity is to produce the accused person on the next date i.d necessary order shall be passed.

The case is being tried simultaneously with the GR case no 64 of 2019.

To 13.02.2025 for reply to s/c and appearance of the accused person.

Sd/-
(J.O code WB00870)
Additional District & Sessions Judge,
(Redesignated) Court, Bankura