

**ST 05(2)10**  
**SC 23(4)2009**  
**CNR. NO. WBBK0900000072009**  
**Ref. Khatra P.S case no. 29/2005 dated 09.04.2005, U/S- 304 of I.P.C**

Order No. 69  
Date. 01.09.2023

Today is the date fixed for production of the accused person, prosecution evidence.

One letter is received from the convenor Khatra Advocates' Bar Association dated 29.08.2023 , in which it is mentioned that members have resolved not to participate in the judicial proceeding except bail matters and filing on 31.08.2023 and 01.09.2023.

Honourable Supreme Court in the matter of **Ex. Capt. Harish Uppal Vs Union of India and another** (2003) 2 SSC 45 observed that lawyers have no right to go on strike or give a call for boycott and Courts are under obligation to hear and decide cases brought before it, and cannot adjourn matters merely because lawyers are on strike. Honourable Supreme Court in the matter of **Raman Services Private Limited Vs Subhash Kapoor** (2001) 1 SSC 118 observed that when an advocate involves himself in strike there is no obligation on part of court to either wait or adjourn the case on that ground. In view of the above observations of the Honourable Supreme Court proceeding of this case is taken up.

Accused Upen Kisku is produced from Bankura District Correctional Home.

None is present for prosecution despite repeated calls.

No advocate is present for the accused person despite repeated calls.

No witness is present.

From the record it is revealed that summon upon CSW- 16 has been served but he is not present.

In these circumstances let a bailable warrant be issued against CSW- 16.

Considering the seriousness of allegations against the accused person namely Upen Kisku , he is remanded to J/C till next date fixed.

Fix 18.10.2023 for E/R of W/A against CSW- 16, production of the accused person and prosecution evidence.

Fix 17.11.2023, 23.11.2023 and 28.11.2023 for production of the accused person and prosecution evidence.

Let copy of this order be sent to the Ld. Public Prosecutor, Bankura and to the District Magistrate, Bankura for ensuring the presence of Prosecution on the next date fixed as none is present for prosecution today despite repeated calls.

Let summon be issued to CSW- 9 for 17.11.2023, to CSW- 17 for 23.11.2023 and to CSW- 18 for 28.11.2023 accordingly.

Dictated & corrected  
by me.

A.S.J

Additional Sessions Judge,  
Khatra, Dist.- Bankura  
J.O. Code WB01399

