

ST 22(02)2022

SC 73/2021

CNR. NO. WBBK090001942022

Ref. Barikul P.S case No. 09/2021 dated 07/06/2021, U/S- 302 of I.P.C, corresponding to GR case no. 269/2021

Order No. 31

Date. 31.08.2023

Today is the date fixed for production of the accused persons and 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 the proceeding of this case is taken up.

Accused Sunil Murmu @ Hapan Chunu and Animesh Pal are produced from Bankura District Correctional Home.

No advocate is present on behalf of the accused persons despite repeated calls.

None is present for prosecution despite repeated calls.

No witness is present.

From the record it is revealed that summons upon CSW-14 has been completed but she is not present.

In these circumstances let a bailable warrant be issued against CSW- 14.

Considering the seriousness of allegations against the accused persons namely Sunil Murmu @ Hapan Chunu and Animesh Pal, they are remanded to J/C till next date fixed.

Fix 03.10.2023 for E/R of W/A against CSW- 14 production of the accused persons, 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.

Dictated & corrected
by me.

A.S.J

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