

Later Order dt. 05/08/2022:

One petition has been filed on behalf of the de facto complainant praying for video recording of the trial under Section 15(A)10 of SC & ST (P.O.A.) Act.

Ld. Counsel for the de facto complainant Mr. Amitava Das has contended that Section 15(A)10 of SC & ST (P.O.A.) Act has prescribed for videography of the proceedings. The provision prescribes under very rights of a victim and of a witness.

Under this heading, this particular sub-section prescribes for “All proceedings relating to offence under this Act shall be video recorded”. This Court has not yet been installed with the facility of video recording or video conference. Though there is nothing wrong in the petition claimed for video recording, in absence of such mechanism installed in this Court, the provision for **time framed trial** cannot be stopped at the cost of speedy trial and time bound trial by the scheme in this act.

Moreover, the trial except evidence relating to presence of female, is performed in open Court. Anyone to the litigation can raise objection to any question on any point and the rule is that the Court note down the objection and decides as to the dispute on objected point.

There is nothing to be deprived on behalf of either the victim, witness or the accused persons.

I am not inclined, therefore, to stop the trial until the mechanism for video recording of the same.

The petition is, therefore, rejected at this stage.

Another petition by the de facto complainant for attachment of properties of the accused in terms of provision underlying Section 7(2) of the SC & ST (PoA) Act is also taken for hearing.

This is an application for attachment of properties of the accused in terms of provision underlying Section 7(2) of the SC & ST (PoA) Act.

Parties are present.

Perused, heard and considered.

Ld. Counsel representing the accused person has referred to the Section. Being a special law it provides a special procedure as to attachment of property. The procedure in general is that before a proclamation, the Court must be satisfied that the accused is about to dispose of the whole or part of his property or is about to remove the whole or part of the property from the local jurisdiction of the Court.

In this case there is no affidavit as to the accused person are trying to dispose of or remove, whole or part of their property or they are absconding or are evade in trial. The case made out that the documents appended with police report u/s 173 Cr.P.C. established a prima facie case for trial under this Act and the property should be attached. Ld. Counsel submitted that in case of conclusion of trial in conviction and are fine, the Court shall be in an easy position to realise the fine or pay compensation.

This submission for attachment property belonging to the accused persons who are honouring the Court's order and facing trial day to day, cannot be entertained for it will be notion that the Court pre-judged the accused persons to be guilty and there is strong possibility of misconception about Court's impartiality and neutrality. I, therefore, do not incline to pass any harsh order like attachment of property because of mere a discretionary power entrusted upon the Court in the statue.

Hence, it is,

ORDERED

that the petition for attachment of the property is and the same be rejected.

To date.

Addl. Sessions Judge, 1<sup>st</sup> Court, Howrah-cum-Judge,  
Special Court on SC & ST (POA) Act, Howrah