

3/ 11.02.2025

Today is fixed for production appearance of the accused persons . The accused person namely Sariful Mollah is produced from J.C through V.C and he is taken into custody and remanded to J.C till next date.

Accused persons namely Rahamatullah Molla, R ahul Amin Molla, Amirul Islam, Mohaboob Molla , Azharul Islam, Moinul Islam, Md. Masud Molla, Rezaul Molla, Saharul Islam, Firoj Ahamed, Md.Sirajul Islam and Riyajul Islam on C.B are present by filing hazira.

The Id. P.P in charge is absent. The Id. Advocates for the accused person is not present in the Court Room. On being asked the accused person submits that his advocate is not coming to this Court.

It may be pertinent to place on record that a stalemate is created in this Court which had started on and from 02.12.24 when on the date of Holiday Police File dt. 24.11.24 by Shri Indranil Karmakar, the ACJM in Charge, the Id. Advocates of Basirhat Criminal Court Bar Association including the Secretary of Basirhat Criminal Court Bar Association was allegedly assaulted by the family members and other persons of the Victim Girl of a case at the veranda adjacent to ACJM Court, Basirhat and in front of GRO Basirhat Court. The Id. Advocates of Basirhat Criminal Court Bar Association on 02.12.24 took resolution to Pen Down before this Court on the ground that they did not get any active co-operation from this Court on the issue of 24.11.24 during Holiday Police Remand File. The Id. Advocates of Basirhat Civil Court Bar Association due to some unknown reasons also started not to participate in the Judicial Proceeding of this Court on and from 02.12.24. Due to these reasons no case before this Court could be proceeded and the Id. Advocates of Basirhat Court also by blocking the Main Gate of Basirhat Court and restraining the Bank Officials, litigants, P.LVs and other stakeholders disrupted all the arrangements of National Lok Adalat of 14.12.24. On 08.1.25 and 09.01.25 this Court in four cases released four accused persons on bail considering the materials on record and copies of CD but due to the non-participation of the Id. Advocates of Basirhat Court and registered sureties and law clerks of Basirhat Court the accused persons were enlarged on P.R Bond in strict compliance with the guidelines of the Hon'ble Apex Court which infuriated the Id. Lawyers and therefore from 10.01.25 the Id. Advocates of Basirhat Civil and Criminal Court Bar Association made picketing and sloganning before this Court demeaning the dignity of the Court as well as the Presiding Officer and restrained all persons including staffs of this Court to enter into this Court room except the Presiding Officer of this Court for which this Court was compelled to submit Report before the Id. District Judge North 24 Parganas and to refer the matter to the Hon'ble Court for issuance of Rule for Criminal Contempt against the Id. Members of Basirhat Court Bar Association. Pursuant to the undertaking given by the Presidents and Secretaries of both Civil and Criminal Bar Association before the Hon'ble High Court at Calcutta to resume normal function before this Court in WPA (P) 12 of 2025 renumbered as CRL CP 2 of 2025 dt. 15.01.25 the Id. Lawyers of Basirhat Criminal Bar Association on 17.01.25 at 3.15 p.m sent their letter to this Court intimating their decision to withdraw their Resolution dt. 02.12.24. The Id. Advocates of Basirhat Civil Court Bar Association are also not participating in any Judicial Proceeding in this Court on and from 02.12.24 till date except filing some Civil Appeals and Mat Suits from 20.1.25 and have not sent any communication stating that they have withdrawn their Resolution dt. 05.12.24, 11.12.24 to not to attend before the Court (except the Resolution dt. 03.01.25 to withdraw Resolution for the period of 02.1.25 to 04.01.25 when this Court was on Leave on Duty) which they took to support the decision of the Criminal Court Bar Association, Basirhat with regard to the incident dt. 24.11.24 wherein the lawyers of Criminal

Court Bar Association, Basirhat was allegedly assaulted. Till date neither the Id. Advocates of Civil Bar Association of Basirhat Court nor the Id. Advocates of Criminal Bar Association of Basirhat Court are participating in the Judicial work in this Court.

Thus, the Id. P.P in charge and the Id. Advocate for the defence counsel both are absent.

Heard the submission of the accused person while he is produced through VC. The bail application of the accused person namely Sariful Molla is duly forwarded by the Controller of Basirhat Sub Correctional Home.

The accused submits that he is innocent and he has been falsely implicated in this case and he is innocent, therefore he wants to be released on bail. He further submits that any bail prayer of him is pending or rejected before any higher forum.

Prima facie case under section 302/307/326/325/120B/34 IPC has already been established against the accused by submission of charge Sheet. Considering the materials in C.D, the nature and gravity of allegation at this stage, I am not inclined to allow the prayer for bail. Hence, bail prayer of accused Sariful Molla stands rejected.

The accused persons are asked if they can defend their case on their own or they need help of advocate to defend them. The accused persons submit that they can not defend their case on their own. Therefore, let a letter be issued to Chairman SDLSC Basirhat to appoint an advocate to represent the accused persons.

In the absence of the Id. Spl P.P and the Id. Advocate for the accused persons, the case cannot be proceeded in proper manner.

The Id. P.P-in-Charges are representing the State and therefore they can not abstain themselves from participating in the Judicial Work of the Court as their participation in the Court Proceeding is aiding the State machinery and the Court to arrive at the just decision of the case and their absence is greatly hampering the object of administration of justice and the judicial proceedings of the Court. The accused has a Constitutional Right to get the opportunity of Speedy trial and Justice but due to the absence of the Id. Advocates for the State the Justice system has greatly been hampered. Therefore DM North 24 Parganas and the District P.P North 24 Parganas are requested to take appropriate steps in this regard so that the Id. Advocates for the State remain present before this Court to aid and accelerate the Justice Delivery system.

Let the copies of this order be sent to D.M North 24 Parganas and District P.P for their necessary information and action.

Fix 10.04.2025 for production of accused Sariful Molla / appearance.

Dictated & corrected by me

Addl. Sessions Judge

Addl. Sessions Judge, Basirhat

Accused person namely Buddhadev Karmakar is absent by petition and pray for time supported by a document appended thereto.

Perused the prayer of Buddhadev Karmakar together with the document annexed thereto.

It appears that accused Buddhadev Karmakar has been appointed as an “Additional Venue Supervisor ” in the ongoing Madhyamik Pariksha.

To meet the *ex debito* justice, prayer for time is allowed.

It is pertinent to mention herewith that from 02.12.2024 the Ld. members of Basirhat Civil and Criminal Court Bar Association are not participating in judicial work of this court by taking resolution. On 17.01.2025 though the ld. members of Basirhat criminal court Bar association adopted a resolution to resume normal functioning before this court but till date they are absenting before this court. The Ld. members of Basirhat Civil Court Bar Association are also not participating in any judicial work of this court since 02.12.2024. The ld. panel advocates of Basirhat SDLSC are also not representing the undefended accused persons of this court in spite of their appointment by the Chairman SDLSC to represent the undefended accused persons . Since 02.12.2024 the ld. advocates of Basirhat Civil and Criminal Bar Association are participating in the judicial work of this court as and when when the regular P.O of this court is on leave or on leave on duty.

Thus, the Ld.P.P and the ld. Advocate for the defence counsel both are absent.

Perused the materials on record.

Fix 16.07.2025 for appearance of all the accused persons .

Dictated and corrected by me

Addl. Sessions Judge,
Basirhat, North 24 Parganas

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Basirhat, North 24 Parganas

The Superintendent of the concerned Correctional Home as well as the Superintendent of Sukanya Home , Salt Lake City are directed to take necessary steps for production of the accused Mannan Mallick and the V.G respectively before Basirhat District Hospital for collection of the blood samples of the above accused and the V.G .

Let a copy of this order be sent to I.O ,Superintendent of the concerned Correctional Home and the Superintendent of Sukanya Home , Salt Lake City for information and necessary action.

To date.

Dictated & corrected by me

Judge,Spl. Court (POCSO Act.)
Basirhat, North 24 Parganas

Judge,Spl. Court (POCSO Act)
Basirhat, North 24 Parganas