

85/ 24.02.2025

Today is fixed for production/ evidence of CSW 12 .

The accused person namely Siddhi Mondal is produced from J.C through V.C and he is taken into custody and remanded to J.C till next date.

No witness turns up.

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 10.01.25 the ld. 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 Ld. District Judge North 24 Parganas to refer the matter to the Hon'ble Court for issuance of Rule for Criminal Contempt against the ld. Members of Basirhat Court Bar Association . On the basis of Report of this Court duly forwarded by the ld. District Judge, North 24 Parganas the Hon'ble High Court at Calcutta was pleased to initiate Proceeding of Criminal contempt against the Ld. lawyers of Basirhat Civil and Criminal Bar Association in WPA (P) 12 of 2025 renumbered as CRL CP 2 of 2025 dt. 15.01.25 and the Ld. advocates of Basirhat Civil and Criminal Court Bar Association through their respective Presidents and Secretaries in that CRL CP 2 of 2025 dt. 15.01.25 gave undertaking before the Hon'ble Court that no untoward incident would occur within or the immediate vicinity of the court premises and the members would rejoin their normal functioning. Pursuant to the said undertaking given by the Presidents and Secretaries of both Civil and Criminal Bar Association before the Hon'ble High Court at Calcutta the ld. 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. From 02.12.24 till date the ld. Lawyers of Basirhat Civil Court Bar Association have not sent any communication to this Court stating that they have withdrawn their Resolution dt. 05.12.24, 11.12.24. Thereafter till date neither the ld. Advocates of Civil Bar Association of Basirhat Court nor the ld. Advocates of Criminal Bar Association of Basirhat Court are participating in the Judicial work in this Court. In some Civil cases the parties to the Civil suits remain present before this Court to take time. In Mat suits wherein the prayer is for Divorce on mutual consent parties remain present to move their own case. In some criminal cases parties himself appears before this Court. The Ld. advocates appointed by the SDLSC Basirhat are also wilfully not appearing before this court to represent the undefended accused persons or the de facto complainant of this court. Since 02.12.24 the advocates of Basirhat Civil and Criminal Court Bar Association are only participating in the Judicial proceeding of this Court while the Regular P.O of this Court remains on leave or leave on duty i.e on 02.01.2025 to 05.01.2025, 27.01.2025 to 29.01.2025 and on 01.02.2025,04.02.2025 and 05.02.2025 and they also filed Civil and Criminal Misc.

cases, CrI. Revisions, Misc. Appeals, Title Appeals, Matrimonial suits and huge numbers of put up petitions and Criminal Misc Cases under section 482 and 483 BNSS on the above mentioned dates for which the P.O in charge of this court could not alone deal such cases and he had passed order for dealing POCSO cases of this court by another P.O *i.e* by FTC-2, Basirhat.

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

No bail application of the accused person namely Siddhi Mondal is forwarded by the Controller of Basirhat Sub Correctional Home.

Accused Siddhi Mondal also declines to submit any bail application.

It bears mention herewith that the Id. Spl. 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 to date(28.02.2025) for production and evidence of CSW - 14.

Prosecution to take steps.

Dictated and corrected by me

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

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