

Order No. 18 dt. 22.1.25

Today is fixed for Production, Appearance, CD and I.O's Report.

The accused person Azahar Biswas is produced from J.C through VC, he is taken into custody and remanded to J.C till next date.

The accused persons Sahanur Biswas, Sahadat Biswas, Monowara Bibi, Reshma Bibi, Hasanur Biswas are present before this Court.

The accused Rabeya Bibi is absent before this Court. Surety is directed to produce the accused person on the next date i.d W.A.

The Id. Special P.P is absent.

The Id. Advocate for the accused persons is not present in the Court Room.

On being asked the accused persons submit that their 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 strict 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 Baisirhat 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 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. The ld. 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 the ld. Advocates of Civil Bar Association of Basirhat Court nor the ld. Advocates of Criminal Bar Association of Basirhat Court are not participating in the Judicial work in this Court.

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

Heard the submission of the accused person while he is produced through VC.

Perused the materials on C D and the case record. Considered.

I do not find from the CIS that the bail prayer of this accused person has been pending or was rejected before any Higher Forum.

In this case the Charge sheet under section 447/325/326/307/304/506/120B IPC and Section 6 of POCSO Act has been submitted against the seven accused persons including the accused person Azahar Biswas. The accused person is in custody from 19.03.24. The extract copy of the C.D is available in this record. More than ten months have expired but due to the Resolution of Local Bar the present case could not progressed effectively and the accused is in detention without trial. The ld. Lawyers of Basirhat Criminal Court Bar Association or any law Clerks of Basirhat Court as well as the Registered Sureties are not participating in any Judicial Proceeding before this Court since 02.11.24 for which the litigants of the cases pending before this Court are harassing much. The ld. Secretaries of Basirhat Bar Associations have not replied to any letter addressed to them and issued by this Court to remove the stalemate and they are continuing to remain absent in this court and not participating in the Judicial Work before this Court. No one should be kept behind the Bar for an indefinite period.

In view of the factual matrix stated herein above and in view of the stagnant condition of the trial of this case due to the Resolution of Local Bar I find that the accused person may

be released on interim P.R bond of Rs. 6000/- till 27.02.2025 with condition not to intimidate the witnesses or tamper with evidence in any manner whatsoever.

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.

The D.C is absent. B.C II is directed to issue further notice to the D.C for his appearance.

In the absence of the ld. Spl P.P and the ld. Advocate for the accused persons, the case cannot be proceeded effectively.

The ld. Special P.Ps 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 ld. Advocates for the State the Justice system has greatly been hampered. Therefore DM North 24 Parganas, the SDO Basirhat and the District P.P North 24 Parganas are requested to take appropriate steps in this regard so that the ld. 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, SDO and District P.P for their necessary information and action.

Fix 27.02.2025 for Production/appearance, if on bail and for appearance of D.C and Appointment of Special P.P.

Dictated by me

Special POCSO Court, Basirhat

Special POCSO Court, Basirhat