

Spl POCSO 29 of 2024

Order No. 18 dt. 15.1.25

Today is fixed for production of the accused person Biplab Mondal . He is produced from J.C, taken into custody and remanded to J.C till the next date.

At present there is a stalemate in this Court as the lawyers and the prosecution have abstained themselves from participating in any Judicial Work in this Court on the ground that they did not get any active support and or co operation from this Court regarding the incident dt. 24.11.24.

It may be pertinent to mention that on 24.11.24 during holiday Police Remand file an incident of assault took place in the veranda adjoining the ACJM Court and also in front of GRO Office, Basirhat and it is the allegation of the Local Bar that at that relevant point of time the ld. Lawyers present during holiday remand file were assaulted by some miscreants. It is the claim that during such Holiday Remand File the on Duty magistrate Shri Indranil Karmakar did not show any sympathy towards the Ld. advocates and did not lodge any complaint over that incident and so on and from 24.11.24 the court of Ld. Additional Judicial Magistrate 2nd Court, Basirhat Shri Indranil Karmakar was boycotted by the members of Criminal Court Bar Association of Basirhat, though on the very same date i.e on 24.11.24 a complaint was lodged on by the ld. Advocate Mr. Abdul Walid, pursuant to which Basirhat P.S Case No. 859/24 dt. 24.11.24 under sections 126(2)/118(1)/117(2)/ 110/3(5) BNS Act has been started against the accused persons. Thereafter on and from 02.11.24 the Ld. Lawyers of Basirhat Criminal Court Bar Association and the ld. Lawyers of Basirhat Civil Court Bar Association have taken a Resolution and are abstaining themselves from participating any judicial work in this Court on the ground that they did not get any active co operation or sympathy from this Court regarding the issue of assaulting lawyers within Court compound. After 02.01.2025 though the ld. Advocates of

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Basirhat Criminal Court Bar Association has started to participate to the judicial work in the Court of the Judicial Magistrate but they are still abstaining themselves from participating in the judicial work of this Court .

Thus, the Ld. P.P-in-charge is absent.

From the document available in the case record, it appears that already Ld. Advocate namely Shri Nilay Santra has been appointed to conduct this case for the instant accused. But it also appears that due to the resolution of the Local Bar he is abstained from participating in the judicial work in this case.

The accused himself files a bail application before this Court. Heard the accused person in person.

Perused the materials on Record and copy of case diary attached with the case record . Considered.

It is a case wherein C.S under section 342/376(2)(j)(l) IPC and sec. 6 (i) of POCSO Act has been submitted against this accused person. From the copy of C.D as well as from case record, I do not find any medical report of the victim girl. However, considering the other materials in C.D and the materials on record, and considering the nature and gravity of this case, I am not inclined to enlarge the accused on bail at this stage. Hence, the bail petition of the accused is rejected.

To **20.02.2025** for production of accused.

Dictated & corrected by me

Judge, POCSO (Spl) Court

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Basirhat, North 24 Parganas

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