

Spl. (POCSO) 45/2024

9/ 20.01.25

Today is fixed for evidence and production of accused person.

The accused person Noim Mondal is produced from J.C through V.C. He is taken into custody and remanded to J.C till next date. The accused verbally prays for releasing him on bail.

The De facto complainant being P.W.1 is present today in the court room.

The Ld. Special P.P is absent without any step.

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

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 Ld. 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 but thereafter till date the Id. Advocates of Civil Bar Association of Basirhat Court nor the Id. Advocates of Criminal Bar

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Association of Basirhat Court are not participating in the Judicial work in this Court.

The bail application of the accused Naim Mondal is duly forwarded by the Controller of Basirhat Sub Correctional Home. Considered.

The accused submits that he is innocent and falsely implicated in this case and as his case is not proceeding and therefore he wants to be released on bail.

De facto complainant is personally present before this court and strongly objects against the bail prayer.

Heard the accused in person and the De facto complainant in person. Perused the materials on CD and the extracted copies of CD lying in the case record. Considered.

Ld. Spl. P.P and the accused's advocate are absent. In this case prima facie case has been established against the accused by submission of Charge Sheet. Considering the FIR, copies of materials in C.D and Case record, the nature and gravity of offence, prayer for bail stands rejected.

The accused person is asked as his advocate is absent today therefore if he can defend his case on his own or he needs help of advocate to defend him. The accused person submits that he can not defend his case on his own. Therefore, let a letter be issued to Chairman SDLSC Basirhat to appoint an advocate to represent the accused person.

In the absence of the ld. Spl P.P/P.P-in Charge and the ld. Advocate for the accused person , the case cannot be proceeded.

The ld. 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 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 12.03.2025 for examination of CSW 1/production.

Dictated & corrected by me

Judge,Spl. Court (POCSO Act)

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