

**In the Court of the Additional District & Sessions Judge,  
Fast Track Court – I,  
Basirhat, Dist.- North 24 Parganas**

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Present

Shri Pradip Kumar Adhikary, WBJS,  
J O Code (UID No.) - WB916,  
Additional District & Sessions Judge,  
Fast Track Court – I,  
Basirhat, Dist.- North 24 Parganas.

**CNR No.- WBNP 1000 1689 2019  
Sessions Case No.- 337 of 2019  
(Registration Number)  
ST No.- 61 of 2019**

**arising out of Basirhat PS Case No.- 1462 of 2016 dated 06/12/2016**

**Charge framed under sections 363/366/368/370/370A/342/343/344/346/419/120B of the  
Indian Penal Code, 1860  
and  
sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act, 1956**

State

v.

**Hasirun Laskar @ Jhuma Laskar, Rafikul Laskar, Gouri Tamang, Mrinal Kanti Sarkar @  
Gopal, Puja Lal Sharma @ Asma and Sagar @ Israfil Laskar**

Order No.- 38  
30/01/2023

Today is fixed for appearance of the Investigating Officer in person with written explanation and submission of report as sought for and hearing of bail application and informative application filed by the accused Sagar @ Israfil Laskar and Bahadur Sharma @ Asma respectively as well as hearing of the application for cancellation of interim bail granted to the accused Puja Lal Sharma @ Asma on 12/12/2019 filed by the de-facto complainant Badsha Sardar on 07/02/2020.

**Out of seven (07) accused the case against the accused Priti Tamang @ Pawar Madam was filed for ever on 01/02/2022.**

The case is now proceeding against **six (06) accused.**

Out of six (06) accused three (03) accused **Hasirun Laskar @ Jhuma Laskar, Mrinal Kanti Sarkar @ Gopal and Puja Lal Sharma @ Asma are on Court bail.** All these three (03) accused who are on Court bail are present by filing separate hazira.

The remaining three (03) accused **Rafikul Laskar, Gouri Tamang and Sagar @ Israfil Laskar are produced from judicial custody** and they are remanded to judicial custody till next date.

The de-facto complainant has filed hazira through Ld. Advocate.

The Ld. Special Public Prosecutor has filed hazira.

The Investigating Officer is present and filed an application stating that he submitted his report on 25/01/2023. He also enclosed a copy of received copy of his submitted report.

From copy of received copy of report dated 24/01/2023 it appears that on 25/01/2023 the Investigating Officer submitted the report as sought for by order dated 06/12/2022 and the same

was duly received by the Bench Clerk.

It is very ashtonishing that in spite of receiving said report submitted by the Investigating Officer as sought for, the Bench Clerk neither put up the same before the PO nor placed the same on record on the date of receiving the same. Even on the date of hearing i.e. on 27/01/2023 the Bench Clerk neither placed the report during hearing of the case nor produced the same even at the time of passing order. The above conduct of the Bench Clerk demonstrates not only gross negligence, wilful default and dereliction of duty but also shows that he intentional suppressed the report and thereby misled the Court for the reason best known to him.

Heaping sorrow upon sorrows even today also the Bench Clerk failed to place the said report on repeated asking.

In the above circumstances the Bench Clerk is directed to file a written explanation to that effect.

He is further directed to file show-cause as why the matter shall not be referred to the appropriate authority for initiation of necessary action against him for his gross negligence, wilful default and dereliction of duty as well as suppression of report and misleading the Court.

The Bench Clerk is further directed to trace out the report submitted by the Investigation Officer on 25/01/2023 and place the same on record under intimation of the PO at the earliest.

Since the Investigating Officer has filed a copy of said report, there is no legal impediment for taking up the case record for hearing of the application for cancellation of interim bail granted to the accused Puja Lal Sharma @ Asma on 12/12/2019 filed by the de-facto complainant Badsha Sardar on 07/02/2020 and accordingly, the case record is taken up for hearing of the said application.

Heard the Ld. Spl. PP, the Ld. Advocate on behalf of the de-facto complainant and the Ld. Advocates on behalf of the accused opposing the said application in length.

The date for passing order will be notified soon after placing of the report by the Bench Clerk.

The bail application filed by the accused Sagar @ Israfil Laskar has not been moved and as such the said petition is rejected as non-moved.

To 01/02/2023 for filing written explanation and show-cause by the Bench Clerk and place the report submitted by the Investigating Officer on 25/01/2023 and notification of the date of passing order regarding application for cancellation of interim bail granted to the accused Puja Lal Sharma @ Asma on 12/12/2019 filed by the de-facto complainant Badsha Sardar on 07/02/2020.

Let a copy of this order be given to the Bench Clerk for compliance.

The Bench Clerk is directed to do the needful at once.

Typed by me

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