

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

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, Pooja Lal Bahadur Sharma @ Asma, Sagar @ Israfil Laskar and
Priti Tamang @ Pawar Madam, since deceased**

Order No.- 43
02/03/2023

Today is fixed for filing written explanation and show-cause by the Bench Clerk and placing 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.

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

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 Pooja Lal Bahadur Sharma @ Asma are on Court bail.**

Three (03) accused Mrinal Kanti Sarkar @ Gopal and Pooja Lal Bahadur Sharma @ Asma and Hasirun Laskar @ Jhuma Laskar 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 Ld. Special Public Prosecutor is present by filing hazira.

The Bench Clerk has neither placed the report submitted by the Investigating Officer on 25/01/2023 nor filed any written explanation nor filed any show-cause as directed on 30/01/2023.

However, the Bench Clerk has filed an application praying for time for filing show-cause due to huge (75 x 2 = 150 Km) from his house as well as mental instability.

The application praying for time is reproduced as follows :

From
Koushik Mazumdar
Bench Clerk
F.T.C-1.Basirhat

To
The Additional Dist. & Sessions Judge
F.T.C-1. Basirhat.
North 24 Parganas.

Sub.Prayer for time to file show cause.

Respected Sir.

Most respectfully, I Koushik Mazumdar as a Bench Clerk of this Ld. Court, would like to draw your kind attention that, due to huge (75 x 2 = 150 Km) from my house as well as mental instability, I am praying for time for filing show cause before your Honour.

Hence, you are fervently requested to allow a reasonable time for filing the same and oblige.

Thanking you in anticipation.
With regards.
Sincerely yours.

Sd/
(Koushik Mazumdar)
02/03/2023

Heard.

It appears from the record that on 06/12/2022 in compliance with the mandates of ***Freedom Firm v. Commissioner of Police.,2015 SCC OnLine Bom 4265 decided on 30-10- 2015*** the Investigating Officer was directed to submit a report

1. of antecedents of the accused Puja Lal Sharma @ Asma and his involvement, if any, in similar offences;
2. about verification of the address of the said accused, whether it is authentic or not, whether the place of residence given in a rented accommodation, then the details of the movable and immovable property, her permanent address etc.;
3. whether the brothel has been sealed or not;
4. whether the accused is likely to have contact with the victim and intimidate or threaten her; and
5. whether the accused is likely to repeat the offence.

On the next date i.e. 27/01/2023 as the Investigating Officer neither submitted any report nor filed any kind of application either explaining non-compliance of order of the Court or praying for time for report, the Investigating Officer was directed to appear in

person and to file written explanation to that effect.

The Investigating Officer was further directed to comply the order of the Court by the next date positively.

On the next date i.e. 30/01/2023 the Investigating Officer was present and filed an application stating that he had 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 was appeared 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.

Accordingly, on 30/01/2023 the Court passed the following order

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 deriliction 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 initation 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.

On the next date i.e. 01/02/2023 the Bench Clerk neither placed the report submitted by the Investigating Officer on 25/01/2023 nor filed any written explanation nor filed any show-cause as directed on 30/01/2023.

Giving a further opportunity on 01/02/2023 the Bench Clerk is directed to comply the order of the Court by the next date.

Today again the Bench Clerk neither placed the report submitted by the Investigating Officer on 25/01/2023 nor filed any written explanation nor filed any show-cause as directed on 30/01/2023.

However, the Bench Clerk has filed an application praying for time for filing show-cause due to huge (75 x 2 = 150 Km) from his house as well as mental instability.

In the application there is neither any whisper why the Bench Clerk did not put up the report submitted by the Investigating Officer on 25/01/2023 before the PO nor any explanation why he did not place the same on record on that date. There is also neither any whisper why the Bench Clerk did not place the report during hearing on 27/01/2023 nor any explanation why did not produce the same even at the time of passing order on that date.

No initiative is found to be taken by the Bench Clerk to place the report submitted by the Investigation Officer which he duly received on 25/01/2023.

Due to non-production of the said report the case could not be proceeded further.

With intent to cause further delay in the case the Bench Clerk has prayed for time for filing show-cause.

Giving a last opportunity the Bench Clerk is further directed to comply the order of the Court by the next positively.

However, the ground forwarded by the Bench Clerk in today's application and the entire matter as happened in this case regarding suppression of report in question and thereby, misleading the Court in passing order are required to be reported to the Ld. District Judge, North 24 Parganas without any further delay for information and soliciting necessary instruction in this regard.

Let a copy of this order along with copy of the application submitted by the Investigating Officer on 30/01/2023 enclosing received copy of report submitted on 25/01/2023 and the copy of today's application submitted by the Bench Clerk be forwarded to the Ld. District Judge, North 24 Parganas for kind information and soliciting necessary instruction in this regard.

To 29/03/2023 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.

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

Typed by me

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

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