

GR 779 of 2021
(Registration No:- 325 of 2023)

Order Dated: 16.08.2024

Today is fixed for evidence.

Ld. A.P.P. in charge is present. Ld. APP submitted that the defacto complainant of this case is present, and there is necessity to record the evidence of the complainant. Further more he also placed his reliance upon the direction passed by the Honble High Court, Calcutta in CRM (NDPS) No, 161 of 2024.

Ld Advocate for the accused appeared and submitted that he will conduct the hearing of this case in the second half. It is now 3.15 P.M. Ld. Advocate for the accused Zakir Ansary refused to remain present at the time of examination, by the dint of resolution passed by the Local Bar Association, not to pass any adverse order.

Heard.

In order to proceed further it is necessary to state the directions.

“1. In a criminal trial if a witness is in attendance, trial court shall ensure that the said witnesses is examined.

2. Resolution of a Bar Association not to attend proceedings shall not stand in the way of examination of such witness. In the event learned Counsels in the proceeding decline to participate and examine the witnesses on the excuse of a resolution of the Bar the trial court concerned shall refer the matter to the High Court for initiating criminal contempt against the learned Counsels concerned as well as the President and Secretary of the Bar Association which has taken such resolution interfering with the smooth administration of justice.

3. In the event trial Judge fails to make a reference as aforesaid, it shall be considered as dereliction of duty on his part.”

Sumitra Bauri, defacto complainant of this case is present, due to refusal of the Ld Advocate for the accused his examination and cross-examination could not be done. Considering the above direction I am hereby referring the matter before the Honble High Court for necessary information and action.

BC-I of this court is hereby directed to send a copy of this order to the Ld. Registrar, Appellate Side, for necessary information and action.

Fix **11.09.2024** for evidence.

D/C by me

JM1

Judicial Magistrate 1st Court
Raghunathpur, Purulia