

Sessions Case No. 66 of 2022
CNR WBUD01-00-3743-2025
Present : Rohan Sinha (WB00883)
State Versus Sahajamal Hussain

Kaliyaganj PS Case No. 16 of 2022 dated 07.01.2022
GR 57 of 2022

Order no. 62
04.02.2026

1. Today is fixed for production and further cross-examination of PW27.
2. The Court is lying vacant.
3. Court of 1st ADJ, Raiganj is in charge.
4. Learned members of Local Bar Association took a resolution requesting the Court for not passing any adverse order due to Muslim festival.
5. Sole accused Sahajamal Hussain is produced through VC.
6. Learned PP-in-charge files hazira of PW27 namely; SI Mrityunjay Biswas.
7. On repeated calls at different intervals none appears to represent the accused person.
8. It is now 2:30 PM.
9. Record says that Janab Arshad Ali, Learned Lawyer representing the sole accused in this case.
10. Here, this Court refers a remarkable guideline of our Hon'ble High Court at Calcutta dated 25.01.2024 made in CRM (NDPS) No. 161 of 2024 wherein the Hon'ble Court ordained (para 5) that –

In order to avoid such a situation we direct as follows:-

- a) In a criminal trial if a witness is in attendance, trial court shall ensure that the said witnesses is examined;
 - b) 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;
 - c) In the event trial Judge fails to make a reference as aforesaid, it shall be considered as dereliction of duty on his part.
11. In view of the matter and considering the fact that the accused is in custody and witness is present, which makes the situation more grave, this Court finds it fit and proper to bring this fact to the notice of the President & Secretary of the Local Bar Association with a request to assist this Court for taking necessary action pursuant to the direction of the Hon'ble High Court as above.
 12. At the same breadth, Janab Arshad Ali, Learned Lawyer for the accused is directed to explain in writing as to why the matter shall not be referred to the Hon'ble High Court in view of the above directives.
 13. A copy of this order be forwarded to the President & Secretary of local Bar Association as well as Janab Arshad Ali for information & necessary compliance.
 14. The witness (PW27) is discharged without cross-examination (further) with a direction to remain present on the adjourned date.
 15. Fixing 06.03.2026 for production & further cross-examination of PW27.

Dictd. & Cortd.

Addl. Sess. Judge in Charge of
FTC II, Raiganj, U/Dinajpur.

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