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ITEM NO.3

Court No.10

SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4128/2011

(From the judgement and order dated 16/12/2010 in CRA No.257/2002, of The HIGH COURT OF CALCUTTA)

BISHNUPADA DUTTA & ANR

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(With appln(s) for permission to file additional documents and office report))

(For final disposal)

Date: 18/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

or Petitioner(s) Mr. Ranjan Mukherjee, Adv.

Mr. S.Bhowmick, Adv.

Mr. S.C.Ghosh, Adv.

For Respondent(s)

Mr. Kabir Shankar Bose, Adv.

Mr. Abhijitsen Gupta, Adv.

Mr. B.P.Yadav, Adv.

Mr. Faisal M., Adv.

UPON hearing counsel the Court made the following
O R D E R

The petitioners are in jail. One of them is more than 70 years old while the other is a female. Notice in this petition was served upon the respondent-Government of West Bengal as early as on 24.08.2011. According to Mr. Ranjan Mukherjee, learned counsel for the petitioner, an additional set of paper book was served upon Mr. Abhijit Sen Gupta, Standing counsel for the State of West Bengal on 28.11.2011.

When the matter came up for hearing on 02.07.2012 Mr. Kabir Shankar Bose, Mr. Abhijit Sen Gupta and Mr. B.P.Yadav entered appearance on behalf of the State. The matter was accordingly directed to be listed for final disposal on a non-miscellaneous day after seven weeks.

When the matter came up for hearing today, Mr. Kabir Shankar Bose submitted that vakalatnama on behalf of the State has not so far been filed nor there is any record in relation to this case available with him or with Mr. Abhijitsen Gupta. We can hardly appreciate this kind of a cavalier attitude towards a matter in which the petitioners are languishing in jail. There is no reason forthcoming why the State has not made any arrangement for filing of vakalatnama even when it was served with a notice on 24.08.2011 followed by service of notice upon the Standing counsel on 28.11.2011.

In the circumstance, we consider it necessary to direct the Law Secretary, Government of West Bengal to streamline the working of

the relevant branch dealing with matters in this court, establish accountability in regard thereto and take appropriate action against all those who are found to be remiss in the discharge of their official/professional duties. A report regarding the action taken in the matter shall be submitted to this Court by the Law Secretary within four weeks from today.

Mr. Kabir Shankar Bose may in the meantime file his vakalatnama and have the relevant record collected from the concerned quarter so that hearing in this matter is not delayed any further.

In the meantime, we grant interim bail to the petitioners for a period of four weeks subject to their furnishing bail bonds in a sum of Rs. 20,000/- each with two sureties to the satisfaction of the trial court.

We make it clear that the petitioners shall be required to surrender back to custody upon expiry of the said period of four weeks.

Post for final hearing in the month of January, 2013.

A copy of this order shall be forwarded to the Law Secretary for compliance.

|(Shashi Sareen)
|Court Master

| |(Veena Khera)
| |Court Master

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