

CRR 2443 of 2024

The Superintendent of Police, Malda
Vs.
Additional Sessions Judge, Chanchal, Malda

Sr. Adv. Kishore Dutta, Ld. A.G.,
Adv. Madhusudan Sur, Ld. APP,
Adv. Sabyasachi Banerjee, Spl. PP,
Adv. Dipankar Pramanick,
Adv. Anirban Dutta,

... for the petitioner.

Adv. Rudradipta Nandy, Ld. APP,
Adv. Sanjana Saha,

...for the State.

On prayer of the petitioner, liberty is granted to amend the cause title of the application by impleading the State of West Bengal in place and stead of the Additional Sessions Judge, Chanchal, Malda.

The opposite party/State is present in Court.

The orders passed by the learned Additional Sessions Judge, Chanchal, Malda on 14th May, 2024 and subsequent orders passed on 20th May, 2024 and 4th June, 2024 are assailed in the present application.

While disposing of a bail application under Section 439 of the Code of Criminal Procedure filed by accused Chiranjit Mondal, learned Court, vide order passed on 14th May, 2024 made elaborate observation with regard to the police administration of the State and directed the Superintendent of Police, Malda to meet him at his chamber to discuss the issues at 4.30 pm. on 20th May, 2024.

By the subsequent orders, learned Court reiterated his earlier order directing the Superintendent of Police to appear in his chamber.

Such orders are unknown to law. This court fails to understand as to under what provision of law the learned Court has directed the Superintendent of Police to meet him, that too, at his chamber on the relevant dates in order to discuss issues with regard to the police administration, while disposing of an application under Section 439 of the Code. Such practice of directing physical appearance of public officers in Court has been strongly deprecated by the Hon'ble Supreme Court in various authorities including the authority in State of Uttar Pradesh vs. Manoj Kumar Sharma reported in (2021) 7 SCC 806.

A monitoring committee is constituted in every district by the learned District Judge which comprises several government officials of the district including the Superintendent of Police. The committee meets at regular intervals to discuss administrative issues of the District. Issues which may have been subject matter of such meeting have unfortunately found place in the judicial orders of the learned Judge.

Without further ado, this Court is inclined to hold that the portion of the orders directing the Superintendent of Police, Malda to meet the learned Judge at his chamber on various dates are required to be quashed forthwith.

The revisional application, being CRR 2443 of 2024 is allowed.

The portion of the orders dated 14th May, 2023, 20th May, 2024 and 4th June, 2024 directing the Superintendent of Police, Malda to appear before the learned Judge at his chamber is quashed.

It is expected that the learned Judge shall strictly adhere to the tenets of law in dealing with cases pending before him.

On prayer of the State, liberty is granted to communicate the gist of the order to the concerned Judicial Officer at once.

(Suvra Ghosh, J.)