

3rd January,
2024
(AK)
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W.P.A 26911 of 2023

Sudipta Kumar Roy
Vs.
The State of West Bengal others

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal
Mr. R. Mondal

...for the petitioner.

Mr. Avishek Prasad

....for the State

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta

...for the respondent no.3

1. The petitioner is a practising advocate of the Burdwan court. It is alleged that the petitioner is being restrained from having access to the records of the various cases handled by the petitioner and several cases which have been initiated against the petitioner before different criminal courts within the Burdwan court campus.

2. Learned counsel appearing for the respondent-authorities as well as the local bar association of Burdwan court submit that the petitioner is guilty of scurrilous activities and is in the habit, along with his

mother, to lodge frivolous complaints against various officials and law clerks of the said court and also Judges.

3. The petitioner has also had instances of tearing court records and tampering with such records. As such, the petitioner is a perennial mischief-monger and ought not to be permitted to have free access to the records/documents of the court. It is apprehended that if such access is granted to the petitioner, the petitioner shall repeat his offences.

4. Such contentions are, of course, denied by the petitioner.

5. It transpires from the affidavit(s)-in-opposition filed in the present case that the concerned District Judge of the said court has opined that the petitioner had several tussles with the learned Advocates of the Burdwan Bar Association as well as law clerks since long, owing to which the petitioner is having an arrogant attitude.

6. It has also been alleged that the petitioner and his mother harboured a grudge and enmity as a counter-blast of complaints lodged against them and the petitioner and his mother have also lodged complaints against the office bearers of the said court time without number.

7. Upon hearing learned counsel for the parties, what is evident is that the apprehensions and allegations made against the petitioner are *sub judice* in the form of criminal cases which are now pending for adjudication.

8. It is well-settled that nobody can be held to be guilty of any offence unless convicted by a competent court of law.

9. At this stage, the accusations of the petitioner are still *sub judice* and the petitioner cannot be incriminated merely on the basis of such allegations.

10. In any event, the petitioner has both legal and constitutional rights of having free access to justice, a component of which is the access to records of relevant cases with which the petitioner has connection, either being personally a party to such litigations or handling such cases in the capacity of advocate.

11. However, in view of the serious allegations which have been raised against the petitioner, this court cannot brush aside the apprehensions of the District Judge of the said court, who is the administrative authority in charge of the goings-on of the said court.

12. Due credence ought to be given to the apprehensions of the District Judge, since the District Judge is ultimately in charge of the records of the said case and the court proceedings going on there.

13. Thus, keeping a balance between the fundamental and legal rights of the petitioner and the apprehensions against the petitioner and his mother, it would only be appropriate if the petitioner is given limited access to the records upon making proper applications for having such access and upon being so permitted by the concerned

presiding officers of the respective courts to which the said records relate to.

14. However, it is made clear that in the event such access is denied to the petitioner by any presiding officer, the presiding officer shall intimate to the petitioner in writing as to why such access is being denied.

15. In the event such right is granted to the petitioner, the petitioner shall be cautious inasmuch as no apprehension of any tampering or other unlawful activity on the part of the petitioner should visit such access by the petitioner.

16. It is further clarified that the petitioner shall have such access to court records only under the proper supervision of the concerned officers of the said court and shall not, without such supervision, handle such records at any point of time.

17. WPA 26911 of 2023 is disposed of in the light of the above observations.

18. It is made clear that the merits of the allegations and counter-allegations made against and by the petitioner have not been gone into by this court and it will be open to the concerned criminal courts, where the matters are *sub judice*, to take appropriate decisions on the same.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)