

23.04.2024
Sl. No.1
akd
[Adjourned]

C. R. M. (DB) 3916 of 2023

In Re: **Sk. Md. Anisur Rahaman**

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Biswajit Manna
Mr. Dattatreya Dutta
Mr. A. Bhattacharya

... .. for the petitioner

Mr. Sourav Chatterjee
Mr. Rajdeep Majumder
Mr. Soumya Nag
Mr. Aditya Tiwari

... for the victim

Mr. Kaushik Gupta .. Id. Spl. Public Prosecutor
... .. for the State

1. Petitioner is an undertrial who has suffered incarceration for about 4½ years. While rejecting the prayer for transfer of proceeding in Transfer Petition (Criminal) No. 409 of 2021, the Apex Court by order dated 17.03.2023, inter alia, directed the Chief Judge, City Sessions Court, Calcutta to take up the trial on a weekly basis and make an effort to conclude the same within a period of six months.
2. In an earlier bail application¹, this court by order dated 29.01.2024 passed the following directions :-

“(1) Trial court shall continue to hold the trial on a day-to-day basis;

(2) In the event examination-in-chief of a witness has commenced the trial Judge shall ensure his/her examination is concluded on the day itself and if the time of the Court or other circumstances do not permit, the examination-in-chief shall be concluded by the next day positively. In similar fashion cross-examination of the witness shall not exceed 2/3 consecutive dates;

(3) Subject to the pendency in the file of the trial Judge, the Judge shall ensure at least two hours are allotted on each

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day to conduct trial particularly when witness action is in progress. No adjournment shall be given to either of the parties on unnecessary grounds including resolutions of the Bar association not to attend proceedings;

(4) We hope and trust that the trial Court and all stakeholders shall make efforts to conclude the examination of all vulnerable witnesses by 30th April, 2024."

3. In the present bail application, report has been filed by the Chief Judge, City Sessions Court disclosing the status of the proceeding.
4. In the report the Judge observed when Afjal Ali Sha (CSW 32), a prosecution witness came to depose, he was locked in the court premises by the agitating lawyers. The report further elaborates this situation arose due to a resolution taken by the Bar led by its Secretary and the President. They had threatened that they would stall the court proceedings, prevent witnesses from adducing evidence, lock all entry and exit gates, prevent judicial officers, court's staff, litigants, police personnel, lawyers from entering or exiting the court and thereby disrupt court proceedings. The report prima facie discloses acts unbecoming of members of the legal profession and tantamounts to interference or obstruction with administration of justice punishable as criminal contempt under Section 2(c) of the Contempt of Courts Act.
5. Notwithstanding the deplorable conduct of members of the Bar and their office bearers as noted in the report, we feel better sense will prevail and the office bearers of the Bar Associations would be able to resolve their grievances through dialogue and negotiations instead of disrupting the court proceedings and holding the court at ransom.

6. Accordingly, we direct :

- (i) *Secretary, Sri Vijay Shankar Choubey and President, Shri Sanjoy Singh of Bar Association, CMM Court, Calcutta;*
- (ii) *Secretary, Shri Prabir Mukherjee and President, Shri Samar Sen of Advocates Association, CMM Court, Calcutta;*
- (iii) *Secretary, Shri Dhananjoy Chakraborty and President, Shri Arun Bhagat of Metropolitan Bar Library, CMM Court, Calcutta;*
- (iv) *Secretary, Shri Shankar Kumar Sen and President, Shri Prabhat Pal of Metropolitan Lawyers' Association, Calcutta;*
- (v) *Secretary, Shri Siddhartha Shukla and President, Shri Tarun Chatterjee of Metropolitan Bar Library, CMM Court, Calcutta; and*
- (vi) *Secretary, Shri Supriyo Ranjan Saha and President, Shri Dipak Kumar Basu of The Calcutta City Sessions Bar Association*

to convene a meeting of their respective Associations within 48 hours and take a decision to participate in the court proceedings.

7. The aforesaid Bar Associations shall forward their grievances through the Chief Judge, City Sessions Court to the Registrar General of this court and the matter may be discussed and resolved through negotiations under the auspices of the learned Registrar General, High Court, Calcutta.

8. We are of the firm belief a constructive approach by all stakeholders would help to resolve the issues, if any, and enable smooth functioning of the courts. We hope the court shall not be

embarrassed and compelled to take harsh steps like initiation of contempt proceedings against the members of the Bar.

9. Let the matter appear on **29.04.2024**.

10. Further report in the matter be filed by the Chief Judge, City Sessions Court, Calcutta and Registrar General, High Court at Calcutta on the adjourned day.

11. Department is directed to communicate a copy of this order to the Presidents and Secretaries of the aforesaid Bar Associations, learned Registrar General, High Court, Calcutta and Chief Judge, City Sessions Court, Calcutta in course of the day.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)