

26.03.2025
Item No.1
Ct. No. 26
CHC

CRLCP 8 of 2012

**Court on its own motion
Vs.
Debabrata Golder & Ors.**

Mr. Abhratosh Majumder, Senior Advocated
Mr. Samim Ahmed, Advocate
Mr. Arka Maiti, Advocate
Ms. Ambiya Khatun, Advocate
Ms. Gulsanwara Pervin, Advocate
Mr. Arka Ranjan Bhattacharyya, Advocate
Mr. Enamul Islam, Advocate
Mr. Nasirul Hoque, Advocate
...for the alleged contemnors

Mr. Saikat Banerjee, Sr. Advocate
(in virtual platform)
Mr. Victor Chatterjee, Advocate
Mr. Shirsho Banerjee, Advocate
....for the High Court Administration

1. Contempt Rule is pending since 2012. Judgment in respect of the Rule was reserved on August 24, 2012 by the coordinate Bench. Judgment was not delivered.
2. Rule emanates out of reference made by the then Learned Additional District & Sessions Judge, Fast Track Court-III, Basirhat, North 24 Parganas in respect of June 6, 2012 passed in S.T. 49(8)11.
3. The then learned Additional District & Sessions Judge, Fast Track Court-III, Basirhat, North 24 Parganas by a

writing dated June 6, 2012 forwarded a copy of the order dated June 6, 2012 passed in S.T. 49(8)11 to the learned Registrar General requesting a reference under the Contempt of Courts Act, 1971. Learned Registrar General placed such letter before the Hon'ble Zonal Judge. Hon'ble Judge-in-Charge made a noting that, the prayer of the concerned Judicial Officer for initiation of contempt proceeding may be brought to the notice of The Hon'ble Chief Justice for consideration. Hon'ble The Chief Justice by a noting dated July 2, 2012 placed the matter before the coordinate Bench for consideration.

4. First order of the coordinate Bench is dated July 3, 2012. By such order, coordinate Bench directed issuance of show cause notices to 6 persons.
5. The matter was considered from time to time by the coordinate Bench. Affidavit was filed by the 6 persons in the matter. The matter was reserved for judgment on August 24, 2012 by the coordinate Bench.
6. Matter was placed in the list by the Department in view of the present determination of the Court.
7. This matter was taken up for consideration on March 17, 2025 with noting that, none was appearing for the alleged contemnors, adjournment was granted. Thereafter on March 18, 2025 alleged contemnors were represented.

8. The matter appeared in the list yesterday and was adjourned to enable the learned advocates for the contemnors to take appropriate instruction.
9. We heard learned Senior Advocate for the High Court Administration as also learned Senior Advocate appearing for the alleged contemnors at length.
10. The matter relates to a letter dated June 6, 2012 by which, the then learned Additional District & Sessions Judge, Fast Track Court-III, Basirhat, North 24 Parganas prayed for a reference under the provisions of the Contempt of Courts Act, 1971. The letter of the learned Additional District & Sessions Judge, Fast Track Court-III, Basirhat, North 24 Parganas refers to a judicial order dated June 6, 2012 passed in a judicial proceeding. Such order records that, 6 persons against whom, show cause notices were issued in the present proceedings, evacuated some accused in a criminal case in the garb of agitation from inside the court room, used abusive language as against the Judicial Officer inside the Court room, indulged in slogan shouting as against the Judicial Officer when the Court was in seisin, did not allow the Court to discharge the judicial functioning on that particular date, coerced such litigants inside the court room to leave court room and prevented the Judicial

Officer from passing any orders in any judicial proceeding.

11. Initially, learned Senior Advocate appearing for the alleged contemnors raised points of limitation as also absence of Rule being issued as against his clients. In course of argument, he withdrew such contentions.
12. Nonetheless, we find that, there is no question of limitation since the reference was made within time prescribed. The incident is of June 6, 2012 and the first judicial order passed by the High Court in the judicial side is dated July 3, 2012. We are of the view that, the present proceedings are not barred by the limitation prescribed under the Contempt of Courts Act, 1971 since, the reference by the Judicial Officer concerned was made within time. High Court took the cognizance of the reference within time and that, the reference is still pending.
13. Materials exist to issue Rule of Contempt against the six persons.
14. In such circumstances, Rule be issued in terms of Form 2 of Appendix I of the Rules framed under the Contempt of Courts Act, 1971 of this Hon'ble Court against the six persons namely, a) Mr. Debabrata Golder, b) Mr. Biswajit Ray, c) Mr. Ismail Miya, d) Mr. Bikash Ghosh, e) Mr.

Abdul Mamun and f) Mr. Kalicharan Mondal on the following:-

- (i) evacuated some accused in a criminal case in the garb of agitation from inside the court room,
- (ii) used abusive language as against the Judicial Officer inside the Court room,
- (iii) indulged in slogan shouting as against the Judicial Officer when the Court was in seisin,
- (iv) did not allow the Court to discharge the judicial functioning on that particular date,
- (v) coerced such litigants inside the court room to leave court room and
- (vi) prevented the Judicial Officer from passing any orders in any judicial proceeding.

15. Learned Senior Advocate appearing for 6 alleged contemnors submits that, the Rule will be accepted by his clients from the Sheristadar of Basirhat Sub Divisional Court.

16. Rule is made returnable on **March 28, 2025.**

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

