

IN THE HIGH COURT AT CALCUTTA
Criminal Special Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

CRLCP 20 OF 2024
The Court in its own motion
Vs.
Samir Das, Ld. Advocate & Ors.

For the Contemnors : Mr. Bikash Ranjan Bhattacharyya Ld. Sr. Adv.
Mr. Susnigdho Bhattacharyya, Adv.
Mrs. Santa Chakraborty Bhattacharyya, Adv.

For the Registrar : Mr. Saikat Banerjee, Sr. Adv.
General : Mr. Shirsho Banerjee, Adv.

For the State : Mr. Tapan Kumar Mukherjee, Sr. Adv.
Ms. Ashmita Chakraborty, Adv.

Hearing Concluded on : June 09, 2025
Judgement on : June 19, 2025

DEBANGSU BASAK, J.:-

1. The learned Additional District Judge, Fast Track Court-II Bongaon, North 24 Parganas by an order dated April 5, 2024 made a reference to the High Court for drawing up contempt proceedings against seven persons.

- 2.** Learned District and Sessions Judge, Fast Track Court-II Bongaon, North 24 Parganas by a writing dated April 9, 2024 forwarded the reference under Rule 2(1)(c) of the Calcutta High Court Contempt of Courts Rules, 1975 read with Section 15(2) of the Contempt of Court Act, 1971 against seven persons named therein.
- 3.** The present contempt proceedings were initiated pursuance to such reference being made. The contempt proceedings were subsequently assigned to this Bench by the Hon'ble The Chief Justice.
- 4.** By an order dated July 15, 2024 contempt rule was issued against the persons named in the judicial order dated April 5, 2024 of the learned Additional District Judge, Fast Track Court-II Bongaon, North 24 Parganas. Rule issued was served upon the persons named in such Rule. They were represented in Court by learned advocates.
- 5.** Subsequent to the issuance of the Rule, it was taken up for consideration on August 12, 2024. On such date, it was pointed out that, although, one of the contemnors was described in the order of the learned Additional District Judge, Fast Track Court-II Bongaon, North 24 Parganas as a law

clerk, such person was an advocate. Directions for affidavit were given. Affidavits of the contemnors filed in Court on September 3, 2024 were taken on record. Attention of the Court was drawn to a resolution of the concerned Bar Association that, such Bar Association was proposing to lodge complaint against one of the contemnors before the Bar Council of West Bengal. Court also required the District Judge to submit a report with regard to the incident complained of in the contempt proceedings. District Judge was also permitted to include other events.

6. Contempt Rule was taken up for consideration on September 19, 2024 when, on the prayer of the High Court Administration, time to submit report by the learned District Judge was extended. Court was informed that, the Bar Association took a resolution and a complaint was lodged against one of the contemnors with the Bar Council of West Bengal.

7. The Contempt Rule was taken up for consideration on November 25, 2024 when attention of the Court was drawn to the fact that the disciplinary committee of the Bar Council of West Bengal passed an order of punishment dated November

22, 2024 against one of the contemnors. Report of the District Judge was taken on record. The alleged contemnors were permitted to use an affidavit dealing with such report of the learned District Judge.

8. Contempt Rule was taken up for consideration on January 6, 2025 when, affidavit called for by the order dated November 25, 2024 was taken on record. High Court administration was directed to submit a comprehensive report on such affidavit on the next date. On January 27, 2025, High Court administration sought time to submit a report as called for by the order dated January 6, 2025 which was granted.

9. On June 25, 2025, report of the High Court administration was taken on record. Noting the contents of such report, the contemnors through their learned Advocate, submitted that, appropriate measures would be taken by the learned Advocates of the Bongaon Court to remove any encroachment. Suggestion for demarcation was accepted. By such order, we directed the District administration to demarcate the Bongaon Court premises and remove all encroachment therefrom. District administration was also directed to ensure that the Bongaon Court area allotted for

creches in the child friendly Court under the POCSO Act are restored.

10. On March 28, 2025, a report was submitted with regard to the encroachment. Time was granted on the prayer of the members of the Bar Association to remove the encroachment.

11. Further report submitted on behalf of the State on March 23, 2025 was taken on record. Such report was circulated amongst the appearing parties. Subsequently, another report was submitted on behalf of the State on May 15, 2025 which was directed to be circulated amongst the appearing parties.

12. Contempt Rule was heard finally on June 9, 2025 and the judgment thereof was reserved.

13. Learned Senior Advocate appearing for the contemnors submitted that, the contemnors accept the Acts of Contempt complained of and tenders unconditional apology. He submitted that, the apology should be accepted. He pointed out that, one of the contemnors was punished by the Bar Council of India and undergone such sentence without preferring an appeal. The members of the Bar Association

removed all encroachments. As on date, therefore, all the contemnors parched themselves of the act of contempt complained of. He submitted that, a lenient view should be taken by the Court.

14. Learned Senior Advocate appearing for the High Court administration submitted that the Act of Contempt complained of are serious. Appropriate steps should be taken against the contemnors.

15. Learned Advocate appearing for the State has submitted that encroachments found at the Bongaon Court premises were removed in terms of the order of the High Court.

16. The genesis of the Contempt Rule is a judicial order dated April 5, 2024 passed by the learned Additional District Judge, Fast Track Court II Bongaon, North 24 Parganas in MAT 285 of 2023. This judicial order was transmitted to the learned District Judge by the learned Additional District and Sessions Judge, Fast Track Court II, Bongaon, North 24 Parganas by a writing dated April 5, 2024. Such learned Judge also by a writing dated April 9, 2024 forwarded a reference under Rule 2(1)(c) of the Calcutta High Court

Contempt Rules, 1975 read with Section 15(2) of the Contempt of Courts Act, 1971 to the High Court.

17. The order dated April 5, 2024 of the learned Additional District and Sessions Judge, Fast Track Court II, Bongaon is as follows:-

“Order No. 09, dt. 05-04-2024

Today is fixed for exparte hearing of this suit.

The petitioner is present and files hazira along with his Ld. Advocate.

*The petitioner has also filed his Examination in Chief along with a joint photograph of their marriage proof. The Ld. Lawyer on behalf of the petitioner has also filed the examination in chief of Smt. Putul Roy to corroborate the evidence of the petitioner Sri Sudip Sarkar. As per the submission of Smt. Roy, the case record, being case no. **Mat. 285 of 2023** has taken up for hearing. More so, Smt. Roy has also submitted that the petitioner is an ‘Army’ person and he is presently posted at Punjab and it was very much tough for him to appear before this Court by taking leave from their concerned Department.*

Considering all the petitioner has been asked to come on dock for tendering his Affidavit in chief.

*It is to be mentioned here that there was a resolution, dated 04-04-2024 of the Bongaon Lawyers’ Association, wherein it has been requested to the Judges and Magistrates “ **not to pass any adverse order**” due to sudden demise of one Senior law clerk, namely Ratan Lal Halder of Bongaon Court. There was nothing more or nothing less any request to the Judges and Magistrates in their above said resolution. So, in such situation,*

the concerned Ld. Lawyer did not take any wrong step, as there was no question of passing order in that record, only it was fixed for ex parte hearing.

On 05.04.2024 at first half of the Court's hours the record, being Mat Suit no. 285/2023 under Section 9 of Hindu Marriage Act has been placed before me by BC-I of my Court on the request of the Ld. Advocate Smt. Payel Roy stood on behalf of the petitioner of this Mat Suit, namely, Sri Sudip Sarkar. Smt Roy as an Advocate of this Mat Suit has taken all the necessary steps as per law to proceed with the above said case for ex parte hearing and Ld. Advocate Smt. Roy has also filed the two affidavit in chiefs of Sri Sudip Sarkar and Smt. Putul Sarkar. The Ld. Advocate of the petitioner of the said Mat Suit also submitted before the Court that petitioner was an 'Army Person' and at present, the petitioner is posted at Punjab and it would be very much tough for the petitioner to come again if he would miss the present date.

It is to be mentioned here that the Ld. Lawyer Smt. Roy for the petitioner did not bother direction from their Lawyers' Association, as enumerated in the resolution, dated 04-04-2024.

In such situation, the conduct of Smt. Roy is very much appreciable as she did not bother about her risk, but she has felt the acute problem of her client as well as she has bothered about the interest of the litigant public.

Considering the above situation, I took up the record as per prayer of Ld. Advocate Smt. Roy on behalf of the petitioner of the said Mat Suit . As per law for tendering the affidavit in chief as PW-1 the petitioner has been asked to come on the dock for tendering the affidavit in chief of PW-1 and during the course of the same, one Ld. Advocate namely Sri Narottam Ghosh has entered into the Court room and submitted that he would stand

for the respondent of the said suit and also prayed for time of 02/ 2 ½ hours to file the petition for vacating the exparte order of the said case though there was no Vakalatnama in the said record in his favour by his client. As such at that relevant point of time, he had no locus standii to move on behalf of the respondent.

However, I have told him that at first he has to file the necessary papers on behalf of his client along with Vakalatnama, then he would be eligible to move before the Court but Sri Narrottam Ghosh did not hear anything but in a very bad manner and loudly asked for stopping the tendering of affidavit in chief of the PW-1 (petitioner) and suddenly left the Court and came again along with the Ld. Advocate Sri Krishna Ghosh, Sri Supriyo Banerjee , Sri Tapas Biswas, Sri Biswajit Biswas @ Hash Biswa, law clerk Sri Manoj Saha and others. As a whole Sri Narrottam Ghosh has entered into my Court room along with more or less 'Forty'(40) persons including the above stated Ld. Advocates and law clerks. All the above stated Ld. Lawyers, law clerks have started shouting and others have started to abuse this Court with filthy languages and some of them uttered " amader nirdesh anujayi apnake order korte hobee ei mamlai" . The law clerk Sri Manoj Saha threatened me in open Ejlash by some filthy languages when I was sitting on Judicial chair at Ejlash.

The Ld. Advocate Sri Krishna Ghosh abused this Court by filthy languages in a very dramatic manner.

The Ld. Advocate Sri Narrottam Ghosh was also abusing the Court and threatened me in a very bad manner.

The Ld. Advocates Sri Supriyo Banerjee , Sri Tapas Biswas, Mr. Banti Babu and his Junior were present and they were shouting with the mob to insult this Court.

*The Ld. Advocate Sri Biswajit Biswas @ Hash Biswas has tornd the affidavit in chief of PW-2 namely Smt. Putul Sarkar of the case record (**Mat Suit No. 285 of 2023**) by snatching the same from the table of the court room and it also appeared that the above said Ld. Lawyer, namely, Sri Biswajit Biswas @ Hash Biswas at that time was in intoxicated condition and he also abused the Court in filthy language more and more loudly than others.*

The full mob also tried to damage the furniture of this Court room in different manners.

Afterwards again the other mob including 50/60 persons came along with some Ld. Lawyers and law clerks under the leadership of one Ld. Senior Lawyer and they asked the BC-I, Stenographer, Peon to get out of this Court and due to fear, they came out from the Court room and the Ld. lawyers and law clerks locked the door of the court room by the padlock and again started slogan in a very abusive manner.

Before that I came out from the Court room as I became very much ill and facing the respiratory problem due to such chaos in this Court room.

At about 01:10 p.m. (13.10 hours) I came to the Chamber of Ld. ADJ, 1st Court namely Sri Kallol Das, Bongaon, North 24 Parganas and explained him all the incidents as stated above and thereafter, I became more restless and brought me to SD Hospital, Bongaon, North 24 Parganas at the Emergency Department of the hospital as well as the attending doctors directed the staff of him to admit me in the hospital for my treatment and I have been admitted to the said hospital at about 01.27 / 01.30 p.m. on 05.04.2024.

Actually, those Ld. Lawyers. Law clerks and others present in their group have tried me to resist forcefully from serving the

judicial work without any justification and they have also insulted the Judiciary as well as to me as I am also the part of Judiciary.

As such, I have never seen in my life during the course of my this Judicial service such type of cruel behaviors of the Ld. Lawyers and law clerks in any station with a Judicial Officer.

In this respect, **I have to mention here that for the personal interest of Sri Narottom Ghosh and Sri Krishna Ghosh from the very beginning was trying to create a chaos inside the Court room.** There is no need to say as it is open to all that Sri Krishna Ghosh is the father of Sri Narottam Ghosh.

As such, after scrutinizing the record, **I did not find out any Vakalatnama of the Ld.**

Advocate, namely Sri Narottam Ghosh or Sri Krishna Ghosh on behalf of the respondent. As per the order No. 03, dated 21-08-2023, it appears that the respondent was present and also prayed for time to file W.O/ W.S. on behalf of the respondent and on that date, the time prayer was allowed and fixed 26-09-2023 for appearance of both the parties, reconciliation I.d W.O. by the respondent. As per order No. dated 26-09-2023, the respondent has also prayed again for time for filing of W.O. then next date was fixed on 16-12-2023 for filing W.S/W.O. But on 16-12-2023, the respondent did not take any step, on next date also, i.e. on 10-01-2024, the time prayer of the respondent was also allowed and on the next date also, i.e. on 07-02-2024, the respondent did not file any W.S., then as per order no. 07, dated 07-02-2024, the respondent was show caused as to why this case should not be proceeded exparte. But no show cause has been filed, i.e. on 13-032024 and today, i.e. on 05-04-2024 is fixed for exparte hearing of this suit.

The above stated Ld. Lawyers, law clerks and others with the mob forcefully resisted this Court to complete the evidence of PW-1, namely Sudip Sarkar and it was remained incomplete and they have also resisted the PW-1 to put his signature as per law and the Ld. Lawyer Biswajit Biswas @ Hans Biswas torned up the Affidavit in Chief of PW-2.

In such situation, as stated above, this Court has no other way, but to fix up the next date for further ex parte hearing.

*Let a reference be made to the Hon'ble High Court, Calcutta, for drawing up the contempt proceeding against the Ld. Advocates, namely Sri Krishna Ghosh, Sri Narottam Ghosh, Sri Biswajit Biswas @ Hans Biswa, Sri Supriya Bannerjee, Sri Tapas Biswas along with Sri Samir Das, the Secretary of Bongaon Lawyers' Association and the Law clerk Sri Monoj Saha. **Fix 05-06-2024 for further ex parte hearing of this suit.***

Soma Chakrabarti

*Addl. District Judge,
F.T.C.-II, Bongaon,
North 24 Parganas.*

No. 85

Date 05-04-2024

Let the reference be made to the Hon'ble High Court, Calcutta, for drawing up the contempt proceeding against the Ld. Advocates, namely Sri Krishna Ghosh, Sri Narottam Ghosh, Sri Biswajit Biswas @ Hans Biswa, Sri Supriya Bannerjee, Sri Tapas Biswas along with Sri Samir Das, the Secretary of Bongaon Lawyers' Association and the Law clerk Sri Monoj Saha.”

18. Contemnors filed affidavit dated August 20, 2024, Contemnors by such affidavit acknowledged that the incident occurring in the Court of the learned Additional District & Sessions Judge, Fast Track Court II, Bongaon, North-24 Paraganas was unfortunate. They however, sought to justify the incident on sudden emotional outburst.

19. One of the contemnors, Mr. Biswajit Biswas, Advocate claimed in his affidavit that, as he was not in an inebriated condition. He, however, acknowledged that his behaviour on April 5, 2024 was arrogant and unfortunate. He, however, denied that he tampered with the record of the Court although, he claimed that he may have shouted saying that the records might be destroyed. He, however, tendered the unconditional apology.

20. Other contemnors, filing affidavits affirmed on August 20, 2024 stated that they felt ashamed of the incident and that, the incident occurred due to sudden emotional outburst. They termed the incident as unfortunate. They claimed that they did not intend to disturb or interfere with the Court

proceedings. They claimed that they repented and were remorse of the situation. They tendered unqualified apology.

21. High Court Administration filed an affidavit on February 21, 2025 stating that, members of the Bongaon Court Bar Association made unauthorised construction of a building on land originally designated for a crèche which forms an inseparable part of the Court dealing with cases under the Protection of Children against Sexual Offences Act, 2012.

22. On such affidavit of the High Court Administration a report was called for from the State. Ultimately, the learned Advocates of the Bar Association removed the construction as stated on behalf of the State.

23. Court was informed that, Bar Council for the State of West Bengal on a complaint received against Mr. Biswajit Biswas, Advocate relating to the incident dated April 5, 2024 suspended the licence of Mr. Biswajit Biswas, Advocate for a period of 6 months. Such period is presently over.

24. The charges of misbehaviour inside the Court premises on April 5, 2024 as narrated in the judicial order of the Additional District & Sessions Judge, Fast Track Court II,

Bongaon, North-24 Parganas in MAT 285 of 2023 as against the contemnors stands established. Contemnors acknowledged the occurrence of the incidents as narrated in the order dated April 15, 2024. They however sought to explain the same as emotional outburst. Tearing of the Court record was denied although acknowledging the possibility of shouting for destruction of records. They however tendered unconditional apology.

25. Mr. Biswajit Biswas, Advocate suffered a sentence of suspension of licence to practice passed by the West Bengal State Bar Council for a period of 6 months with regard to the same incident. Advocates of the Bar Association removed the unauthorised construction.

26. In such circumstances, taking into consideration the conduct of the learned Advocates of the Bar Association involved in the unauthorized construction including the contemnors as noted above, it would be appropriate to hold the contemnors guilty of Contempt of Court. We, however, refrain ourselves from either imposing any punishment or fine upon any of the contemnors for the incident occurring in the Court of the learned additional District & Sessions Judge,

Fast Track Court, Bongaon, North-24 Parganas as recorded in the judicial order dated April 5, 2024 passed in MAT 285 of 2023 passed by such Court, as there are no antecedents as against the contemnors. We are inclined to afford an opportunity to the contemnors to reform themselves. At the same time, we put the contemnors upon notice that in the event, they or any of them are found guilty of Contempt of Court in any subsequent proceeding, this conduct of theirs will be taken into account for the purpose of consideration of the quantum of punishment and fine, amongst the others, to be imposed in such proceeding. High Court administration shall draw the attention of the Court in seisin of any fresh contempt proceedings against the contemnors or any of them, of this judgment and order to the Court in seisin of the subsequent proceeding.

27. CRLCP 20 of 2024 is disposed of accordingly.

[DEBANGSU BASAK, J.]

28. I agree.

[MD. SHABBAR RASHIDI, J.]