

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.27928 of 2023

Basanti Puhan *Petitioner*

Mr. Byomakesh Tripathy, Adv.
Mr. Biplab P.B. Bahali, Adv.

-versus-

State of Odisha and Ors. *Opposite Parties*

Mr. G.R. Mohapatra, ASC

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
05.09.2023

02. 1. This matter is taken up through hybrid arrangement.
2. At the outset, Mr. Biplab P.B. Bahali, learned Advocate submits that he will argue the matter on behalf of the Petitioner. On his oral submission, Mr. Biplab P.B. Bahali, learned Advocate is permitted to argue the matter on behalf of the Petitioner though his name does not find place in the Vakalatnama.
3. Heard learned counsel for the Parties.
4. In this Writ Petition, the Petitioner seeks a direction from this Court to the Opposite Parties/ State to pay a sum of Rs.50,00,000/- as compensation and other

exemplary damages for unnatural death of her son while in police custody.

5. This Court had vide its earlier order dated 01.09.2023 directed personal appearance of Mr. Trinath Bhoi, ASI, Mr. Sanmaya Patra, Constable and Mr. Janmejaya Bal, Constable of Bhadrak Town Police Station. The Superintendent of Police, Bhadrak was also directed to ensure their presence before this Court on 5th September, 2023 at 12.30 P.M.

6. Today pursuant to the said order dated 01.09.2023 the aforesaid police personnel i.e. Mr. Trinath Bhoi, ASI, Mr. Sanmaya Patra, Constable and Mr. Janmejaya Bal, Constable of Bhadrak Town Police Station personally appeared in Court today. Mr. B.K. Sharma, learned Advocate also files Vakalatnama and enters appearance on their behalf. The same be kept on record.

7. Mr. B.K. Sharma, learned Advocate appearing for the aforesaid police personnel submits that the present Petitioner has not made the present police personnel as parties to the Writ Petition. However, complying with the order dated 01.09.2023 passed by this Court, they are present in Court today to assist the Court in terms of narrating certain factual aspects of the matter.

8. On query, Mr. Trinath Bhoi, ASI of Police, Bhadrak Town Police Station replies that they boarded Train from Mumbai to Kolkata along with the victim minor girl and the now deceased boy after she was recovered from Mumbai. Though the boy was not arrested by the police, on the request of his elder brother stating that his brother would also travel with them, he was also travelling with them in the same train. On the pretext of feeling uneasy and nauseous with vomiting, he suddenly approached to the entrance door of the train and jumped out of the moving train resulting in his untimely demise. It is submitted that circumstances leading to the boy's death is still shrouded in mystery.

9. Mr. Biplab P.B. Bahali, learned Advocate appearing for the Petitioner vehemently opposes the statement made by the police officer and submits that the statement made by the Police Officer is blatantly false and fabricated. He further submits that even after registration of the F.I.R., the copy of the same has not been provided to the Petitioner. The copy of the F.I.R. is also not available on the online mode.

10. Mr. Gyanaranjan Mohapatra, learned Additional Standing Counsel for the State submits that submission

made by the learned counsel for the Petitioner is not relevant to the instant case and totally different.

11. Considering the submissions made by the learned counsel for the Parties, this Court directs the State to produce the copy of the F.I.R. on the next date of hearing.

12. At this stage, there was a very hot argument between Mr. Biplab P.B. Bahali, learned Advocate for the Petitioner and Mr. Gyanaranjan Mohapatra, learned Additional Standing Counsel appearing for the Opposite Parties/ State with exchange of abusive words with shouting voice inside the Court room. Being enraged, Mr. Bahali, learned Advocate attempted to manhandle Mr. Mohapatra, learned Additional Standing Counsel shouting that *"you being too junior should not make such type of statement and you are always mischievous and misbehave with senior colleague"*. The above unhealthy atmosphere continued to engulf the Court Room in the presence of many other learned Advocates and disrupted the Court proceedings.

13. When this Court tried to intervene and requested both Counsels to calm down and refrain from spoiling the sanctity and congenial atmosphere of the Court and maintain the decorum inside the Court since they were officers of the Court, Mr. Biplab P.B. Bahali, learned

Advocate appearing for the Petitioner remained adamant and aggressively retorted back to the Bench stating that *“the Court may take any action against him, he doesn’t care for that, even the Court may write against him to the Bar Council or the Chief Justice of India he doesn’t care”*. Such misbehavior of Mr. Bahali, learned Advocate appearing for the petitioner towards the Court demeans the sanctity of the Court and impedes the smooth functioning of the Court. Advocates appearing before the Courts are the officers of the Court and are expected to maintain decorum and respect towards the Bench. However, such unruly and aggressive behaviour of Mr. Bahali, Advocate not only undermines the majesty of Court but also undermines the decorum of the Court which is totally uncalled for and cannot be tolerated. Due to this unsavoury incident, the Court proceedings was seriously affected. The conduct of Mr. Bahali, learned counsel is totally unbecoming of an Advocate and it prima facie makes out a strong case for criminal contempt punishable under Section 14 of the Contempt of Courts Act, 1971 read with Article 215 of Constitution of India.

14. In view of the above, let the matter be placed before the appropriate authority to take steps as per law.

15. List this matter on 25th September, 2023.

16. Personal appearance of the aforesaid three police personnel is dispensed with.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

