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CRLCP 1 of 2023

The Court on its own motion.

Mr. S. N. Mookherjee, Ld. Advocate General,
Mr. Anirban Ray, Ld. G. P.

Mr. Arunava Ghosh, Sr. Adv.,
Mr. Anant Kr. Shaw
... for the Bar Association, High Court, Calcutta

Mr. Vipul Kundalia,
Mr. Kaushik Mandal
... for the Incorporated Law Society
of High Court, Calcutta.

Mr. Ajay Chatterjee, Sr. Adv.,
... for the High Court Bar Library Club.

Mr. Avinash Kankani
... for the Bar Council of India.

Mr. Kishore Dutta, Sr. Adv.,
Mr. T. M. Siddique,
Mr. Imtiaz Ahmed,
Mr. Dipanjan Datta,
Mr. Siddhadev Adak ... for the Bar Council of W.B.

Reference may be made to our order dated 17th January, 2023. After taking note of the order passed by the Learned Single Bench initiating suo motu contempt qua the incident, which took place outside the Court Room No.13 on 9th January, 2023 and the directions issued by the Hon'ble the Chief Justice constituting this Bench to hear this criminal contempt proceedings, we had issued directions and orders. The operative portion of the order reads as follows:-

“In order to effectively take forward the matter, we are inclined to issue the following directions /orders.

- (i) Issue notice to the Commissioner of Police, Kolkata and such notice is accepted by Mr. Anirban Ray, Learned Government Pleader.*
- (ii) Issue notice to the Assistant Commissioner of Police, High Court, Calcutta and such notice is accepted by Mr. Anirban Ray, Learned Government Pleader.*
- (iii) Issue notice to the Officer-in-Charge of the Lake Police Station, Kolkata for whom the Learned Government Pleader has accepted notice.*

The Commissioner of Police, Kolkata is directed to file a report before this Court as to who was the person, who had placed the order for printing the posters containing certain defamatory statements about the Hon’ble Judge, the printer who printed the posters and the persons, who were engaged to affix those posters.

The Assistant Commissioner of Police, High Court, Calcutta is directed to furnish the requisite certificate in terms of Section 65B of the Evidence Act read with the provisions of the Information Technology Act, 2000 as amended.

The Officer-in-Charge of the Lake Police Station, Kolkata is directed to submit all records and materials concerning the matter before the Commissioner of Police, Kolkata to enable the Commissioner to file a report in terms of the directions contained above.

For the purpose of assisting this Court in the present proceedings, which have been initiated to protect the dignity and decorum of this Court and also to remind the legal fraternity that they are part of a noble profession and no act of theirs shall prejudice the proceedings conducted by this Court and the oath of office administered to them when they were enrolled as the Members of the Bar. Therefore, we require the assistance of the following entities:-

- (i) The Bar Council of India,*
- (ii) The Bar Council of West Bengal,*
- (iii) The Bar Association of High Court at Calcutta,*
- (iv) The Bar Library Club and*
- (v) The Incorporated Law Society, High Court, Calcutta.*

The registry is directed to serve notices on the aforementioned parties along with the copy of this order so as to enable them to render their

necessary assistance to this Court to proceed with this matter.

As pointed out earlier, the letter given by the learned Advocate dated 11th January, 2023 does not furnish the adequate particulars for the Court to issue notices to those persons by impleading them as contemnors in this proceedings. Therefore, for the present, we shall await the appearances of the Bar Council of India as well as the Bar Council of West Bengal and the three wings of the Bar and the report of the police and by then, the requisite certificate would be issued by the concerned police authority so as to enable this Court to take on record the contents of the pen drive stated to contain the CCTV footages as well as the still photographs as received from the CCTV concerning the incidents in front of Court room no.13 on 9th January, 2023, 10th January, 2023 and 11th January, 2023.

Since this Court is seized of this matter, we direct that no meetings, processions, agitations, shall be held or placards shall be displayed within the premises of this Court or anywhere else concerning the subject issue and this direction shall be given due publicity by the Registrar General by intimating to the three wings of the Bar as well as displaying the same in the notice board and also posting the same in the official website of this Hon'ble Court.

We request the learned Advocate General to assist us in this proceedings in the next hearing as well.

The original letter of the Assistant Commissioner of Police, High Court, Calcutta dated 13th January, 2023 along with the sealed envelope and the letter of Mr. Tapas Maity, Learned Advocate, dated 11th January, 2023 shall be kept in safe custody of the Registrar General of this Court.

List the matter on 2nd February, 2023 at 2.30 P.M."

In terms of the directions issued above, the Commissioner of Police, Kolkata has filed a report before this Court in a sealed cover containing three copies. The Assistant Commissioner of Police, High Court at Calcutta has furnished certificate dated 24th January, 2023 in terms of Section 65B of the Indian Evidence Act read with the provisions of the Information Technology Act, 2000, as amended, and submitted the same to the learned Registrar General.

The Bar Council of India, the Bar Council of West Bengal, the Bar Association of High Court at Calcutta, the Bar Library Club and the Incorporated Law Society, High Court at Calcutta are being represented by their respective learned Advocates.

We have opened the sealed cover containing the video footage of the CCTV recordings in front of Court Room No.13 as well as inside the Court Room No.13 and the pen drive was played in the open Court, which consists of still photographs and video footage of the incident of 9th January, 2023. The Registrar General is directed to supply copies of the recordings submitted by the police in the pen drive to the Learned Advocate General, the learned Government Pleader, Bar Council of India, the Bar Council of West Bengal, the Bar Association of High Court at Calcutta, the Bar Library Club and the Incorporated Law Society, High Court at Calcutta.

The CCTV recordings are shared with the aforementioned persons / entities to enable them to identify such of those members of the Bar, who had obstructed the entry of lawyers inside Court Room No.13 on 9th January, 2023 and who had raised slogans, etc. We are confident that the above persons / entities will assist the Court in proper identification of those lawyers, who will thereafter be made parties to the proceedings and would be heard in the matter.

The Commissioner of Police, Kolkata has filed a report dated 1st February, 2023. In the said report, apart from other things, it has been stated that the officers-in-charge of the Police Stations had examined 89 persons and their statements have been recorded under Section 161 of the Cr.P.C., 1973. Apart from this, both the police stations, namely, Lake Police Station and Hare Street Police Station gave notice under Section 91 of the Cr.P.C. to 20 persons for production of CCTV footages and have collected and seized CCTV footages of seven places. Both the police stations have also visited and examined as many as 39 printing press owners / managers under the jurisdiction of Kolkata Police and during the process of investigation, police had collected call data, tower dump as well as the IPDR dump to zero in on the suspects. The details have been submitted in Annexure I to the report. Further, it has been stated that majority of the miscreants as seen in the CCTV footages obtained in Lake Police Station area have covered their face with masks, which made the job of identification a bit difficult. Yet, it has been stated that the following persons were found to be involved in affixing posters in the vicinity of the residence of the Hon'ble Judge and the premises of the High Court at Calcutta. Their names being :

1. Abhishek Manna (27), s/o Shyamal Manna of 49/7/B, Block – A, Dingsaipara Road, Bally, Howrah.

2. Mithun Das of BallyRail Quarter.
3. Sunny Majhi S/o Arun Majhi, 5C, G.T. Road, Bally, Howrah.
4. Rahul Bagdi of 5C, G.T. Road, Bally, Howrah.
5. Prasenjit Das s/o Narayan Chandra Das of 43, Dasnagar Colony, PS – Lake, Kolkata – 45
6. Zakir Baidya of P-73, Prince Anwar Shah Road, PS-Lake, Kolkata – 700045.

Further, the report states that utmost effort to identify the printing press where such posters have been printed and also for identification of the person, who allegedly ordered for such printing has been made and the police has sought help of Central Forensic Science Laboratory for helping to identify the nature of papers, ink, etc. so as to derive information that may help in the process of investigation of the cases and identify the possible printing press behind the act.

The Central Forensic Science Laboratory has stated that they do not have expertise to comment on the requested matter. Further, it is stated that the number of printing presses to be examined is more than 250 and the police have to also need to cover some area even beyond the jurisdiction of Kolkata Police. Therefore, prayer has been made to grant three weeks' time so as to identify the printing press from where the persons, who have given the orders for printing the posters, which have been found in the

vicinity of the residence of the Hon'ble Judge and the High Court at Calcutta.

The preliminary report submitted by the Commissioner of Police dated 1st February, 2023 is taken on record and six persons whose names have been mentioned in the preceding paragraphs shall be impleaded as alleged contemnors in this suo motu proceedings.

Let notice be issued to the six alleged contemnors returnable on the next date of hearing.

So far as the report of the Commissioner of Police, Kolkata qua the identification of the printing press where the posters were printed and the persons, who have placed the order for printing of such posters, we are not fully convinced with the stand taken by the Commissioner of Police. Had the investigation been more vigorous, by now the miscreants would have been identified. In any event, we do not wish to foreclose the prayer made by the Commissioner of Police, Kolkata for granting further time to identify the printing press and the persons, who had given the order for printing the posters.

The letter written by Mr. Tapas Maity to the Registrar General dated 11th January, 2023, which we had referred in our order dated 17th January, 2023 shall be taken on record.

The statutory body and the associations, who have been requested to assist this Court in this proceedings with a direction to identify those lawyers,

who were part of the incident which took place on 9th January, 2023 shall submit an affidavit disclosing the names.

In the light of the above, the following orders / directions are issued.

- (i) The CCTV footage furnished in the pen drive along with the certificate furnished by the police under Section 65B of the Indian Evidence Act is taken on record.
- (ii) The letter written by Mr. Tapas Maity addressed to the learned Registrar General dated 11th January, 2023 is taken on record.
- (iii) The report submitted by the Commissioner of Police along with Annexures in three copies is taken on record.
- (iv) The Registrar General shall furnish copies of the video footage to the Learned Advocate General, the learned Government Pleader, Bar Council of India, the Bar Council of West Bengal, the Bar Association of High Court at Calcutta, the Bar Library Club and the Incorporated Law Society, High Court at Calcutta.
- (v) The Associations/Bar Committee shall file the report in the form of an

affidavit/affidavits before the Court on the next hearing date.

- (vi) The Registrar General shall take assistance of the Registrar (IT), High Court at Calcutta to make copies of the video footages contained in the pen drive furnished by the police authorities.
- (vii) The pen drive and all the documents shall be kept in safe custody of the Registrar General to be placed before this Court on the next date.
- (viii) In terms of the prayer made by the Commissioner of Police, Kolkata in his report dated 1st February, 2023, time for filing further report is extended till the next date of hearing.

List the matter on 15th March, 2023.

(T. S. Sivagnanam, J.)

(I. P. Mukerji, J.)

(Chitta Ranjan Dash, J.)