

**Office of the District Judge
Dakshin Dinajpur at Balurghat
English Department**

Order No. 147 , dated, Balurghat, the 31st day of May, 2021

ORDER

The present crucial phase of the pandemic of COVID-19 arising out of its 2nd wave, has upended every institution and has gripped smooth functioning. In this situation also access to justice is fundamental to the Constitutional ethos and the Hon'ble High Court has been pleased to pass several directions to meet the challenges occasioned by the outbreak of COVID-19, and scaling down the conventional operations within the precincts of Courts, is a measure to strike the delicate balance between the safety of all the stakeholders and functioning of the Courts.

The Government of West Bengal vide Notification No. 647-ISS/2M-22/2020 dated 15-05-2021 imposed several restrictions to cut down mobility of people to contain the pandemic and such restrictions have been further extended by the Government of West Bengal vide Notification No. 707-ISS/2M-22/2020 dated 29-05-2021. By the order of the Government of West Bengal, all the public transportation have been effectively stopped and all Government Offices have been closed till 15-06-2021. For all practical purposes, the State- wide lock-down has been extended to arrest the proliferation of the dreaded virus.

Taking into account such situation, the Hon'ble High Court through Notification No. 2180-RG dated 16-05-2021 has been pleased to direct that “ subordinate Courts shall regulate their functions in a restricted manner.”

From the experience of the past lock-down on and from 16-05-2021 to 30-05-2021, it has transpired that there has been difficulty for the stakeholders i.e. the learned lawyers, litigants and staff to come to the Courts and participate in the day to day hearing. Thus further scaling down of operations of the Courts is an eminent need.

Now following the direction of the Hon'ble High Court, and perceiving the difficulties of the stakeholders in attending the Court and every other possible facet, the following arrangements are made.

1. All the Courts in the Judgeship of Dakshin Dinajpur will be functional in a restricted manner on and from 31-05-2021 with skeletal staff only to take up urgent administrative matters and extremely urgent judicial matters [through Video Conference] as per the following roster till 15-06-2021.

Sl. no.	Name of Court	Dates on which urgent matters will be taken up hearing
1.	District Judge, Dakshin Dinajpur	Bail applications under section 438 and 439 of the Code of Criminal Procedure, 1973 on all working days. Urgent hearing relating to Civil matters and other criminal matters on 31-05-2021, 02-06-2021, 14-06-2021 and 15-06-2021.

2.	Additional District and Sessions Judge, 01 st Court, Dakshin Dinajpur at Balurghat	31-05-2021, 02-06-2021, 04-06-2021, 07-06-2021, 09-06-2021, 11-06-2021 and 15-06-2021
3.	Additional District and Sessions Judge, 02 nd Court, Dakshin Dinajpur at Balurghat	In view of the directions given by the Hon'ble Supreme Court in SUO MOTO WRIT PETITION (CIVIL) NO. 4 OF 2020 [IN THE MATTER OF: IN RE CONTAGION OF COVID 19 VIRUS IN CHILDREN PROTECTION HOMES] and the directions of the Hon'ble High Court in W.P. No. 5327(W) of 2020 [Court on its own Motion In Re: Contagion of COVID-19 Virus in Children Protection Homes] the Court shall remain functional on each and every working day.
4.	Additional District & Sessions Judge, Special Court under Electricity Act, Dakshin Dinajpur at Balurghat	01-06-2021, 03-06-2021, 05-06-2021, 08-06-2021, 10-06-2021 and 14-06-2021
5.	Additional District & Sessions Judge, 03 rd Court, Dakshin Dinajpur at Balurghat	01-06-2021, 03-06-2021, 05-06-2021, 08-06-2021, 10-06-2021 and 14-06-2021
6.	Additional Sessions Judge, Fast Track Court, Balurghat	01-06-2021, 03-06-2021, 05-06-2021, 08-06-2021, 10-06-2021 and 14-06-2021

A separate roster of learned Judges for hearing of the bail petitions under section 438 and 439 of the Code of Criminal Procedure, 1973 shall be prepared by the undersigned. The newly filed cases in the District Judge's Court under section 438 and 439 of the Code of Criminal Procedure, 1973 shall be placed before the Learned Judge hearing the bail applications as per the aforesaid roster. If the Sessions Judge is not on roster on a particular day, any urgent administrative work may be placed before the Ld Additional Sessions Judge who is on roster.

2. Following arrangement is made for the Court of Civil Judge (Sr. Div.), Dakshin Dinajpur at Balurghat for hearing of extremely urgent matters.

Name of Court	Dates on which urgent matters will be taken up hearing
Civil Judge (Sr. Div.), Balurghat	31-05-2021, 04-06-2021 07-06-2021, 11-06-2021 and 15-06-2021

3. Following arrangement is made for the Court of Civil Judge (Jr. Div.), Balurghat for hearing of extremely urgent matters.

Name of Court	Dates on which urgent matters will be taken up hearing
Civil Judge (Jr. Div.), Balurghat	01-06-2021, 05-06-2021 08-06-2021, 10-06-2021 and 14-06-2021

4. Following arrangement is made for the Court of Civil Judge (Jr. Div.), Gangarampur at Buniadpur for hearing of extremely urgent matters.

Name of Court	Dates on which urgent matters will be taken up hearing
Civil Judge (Jr. Div.), Gangarampur at Buniadpur	01-06-2021, 05-06-2021 08-06-2021, 10-06-2021 and 14-05-2021 [Civil Judge (Jr. Div.), Gangarampur at Buniadpur is also in-charge of Judicial Magistrate, Gangarampur at Buniadpur. In absence of any other court of Civil Judge (Jr. Div.), Gangarampur at Buniadpur and Judicial Magistrate, she will be doing her duties as per the roster prepared for Judicial Magistrate, Gangarampur at Buniadpur and orders by the Additional Chief Judicial Magistrate, Gangarampur at Buniadpur in addition to her own duties until the regular P.O in the court of Judicial Magistrate, Gangarampur at Buniadpur joins]

5. Police file at Balurghat shall be taken up on each and every day and will be presided over by the Chief Judicial Magistrate, Dakshin Dinajpur or by the Judicial Magistrate as per the roster if prepared by the Chief Judicial Magistrate, Dakshin Dinajpur in exercise of section 15 of the Code of Criminal Procedure, 1973. The Chief Judicial Magistrate, Dakshin Dinajpur shall communicate the roster, if prepared to that effect to the undersigned.

6. Similarly Police file at Gangarampur at Buniadpur shall be taken up on each and every day and will be presided over by the Additional Chief Judicial Magistrate, Gangarampur at Buniadpur or by the Judicial Magistrate as per the roster if prepared by the Additional Chief Judicial Magistrate, Gangarampur at Buniadpur. The Additional Chief Judicial Magistrate, Gangarampur at Buniadpur shall communicate the roster, if prepared to that effect to the undersigned.

7. Holiday remand file in the concerned station will be taken up as per the roster already prepared by the Chief Judicial Magistrate and concerned Additional Chief Judicial Magistrate for their respective stations.

8. Urgent put-up applications/surrender petitions to be taken up for hearing on a particular day will be decided by the Chief Judicial Magistrate, Dakshin Dinajpur and Additional Chief Judicial Magistrate, Gangarampur at Buniadpur concerned of the respective station(s) so that in no circumstances there is overcrowding the Courts.

9. Following arrangement is made for the Court of Chief Judicial Magistrate, Dakshin Dinajpur and other Judicial Magistrate Courts at Balurghat for hearing of extremely urgent matters.

Sl. no.	Name of Court	Dates on which urgent matters will be taken up for hearing
1.	Chief Judicial Magistrate, Dakshin Dinajpur	On all Working days

2.	Judicial Magistrate, Balurghat	31-05-2021, 02-06-2021, 04-06-2021, 07-06-2021, 09-06-2021, 11-06-2021 and 15-06-2021
3.	Judicial Magistrate, 02 nd Court Balurghat	01-06-2021, 03-06-2021, 05-06-2021, 08-06-2021, 10-06-2021 and 14-06-2021

10. Following arrangement is made for the Juvenile Justice Board, Dakshin Dinajpur for hearing of extremely urgent matters.

1.	Juvenile Justice Board, Dakshin Dinajpur	In view of the directions given by the Hon'ble Supreme Court in SUO MOTO WRIT PETITION (CIVIL) NO. 4 OF 2020 [IN THE MATTER OF: IN RE CONTAGION OF COVID 19 VIRUS IN CHILDREN PROTECTION HOMES] and the directions of the Hon'ble High Court in W.P. No. 5327(W) of 2020 [Court on its own Motion In Re: Contagion of COVID-19 Virus in Children Protection Homes] the Board shall remain functional on each and every working day.
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11. Following arrangement is made for the Court of Additional Chief Judicial Magistrate, Dakshin Dinajpur and Judicial Magistrate Courts Gangarampur at Buniadpur for hearing of extremely urgent matters.

Sl. no.	Name of Court	Dates on which urgent matters will be taken up for hearing
1.	Additional Chief Judicial Magistrate, Gangarampur at Buniadpur	On all working day
2.	Judicial Magistrate, Gangarampur at Buniadpur	01-06-2021, 03-06-2021, 05-06-2021, 08-06-2021, 10-06-2021 and 14-06-2021

12. Only skeletal staff [not more than 50%] will be maintained for the Courts through Roster. Respective Officers shall prepare the same and communicate it to the undersigned.

13. All the departments at Balurghat and Buniadpur Court establishments shall function in a restricted manner on each working day with skeletal staff as per Roster prepared by the concerned Judge-in-Charge of the concerned department. The attendance register shall be placed before the concerned Judge-in-Charge of the department and if the concerned officer is not on Roster on any particular day, before the Chief Judicial Magistrate, Dakshin Dinajpur or the Additional Chief Judicial Magistrate, Gangarampur at Buniadpur for the respective station. The staff who are on Roster shall attend court punctually as per the Roster prepared by the concerned officer.

14. Central Filing Counter at Balurghat as well as at Buniadpur shall function on each working day on and from 11:00 AM to 02:00 PM with skeletal staff as per Roster. Filing in respect of any Court which is not functional on a particular day shall not be accepted in the filing counter on that day. Number of filing and mode and manner of filing shall be regulated as per order No. 111 dated 17-04-2021, order No. 137 dated 17-05-2021 and clarified by order number 144 dated 24-05-2021. The Court timing shall be as per order No. 111 dated 17-04-2021.

15. UTPs in respect of pending cases are to be produced through Video-conferencing mode only, unless directed to be produced physically by the learned Court concerned. The accused person in relation of any Sessions Case or in relation to any case triable by any Special Court apart from cases relating to the Protection of Children from Sexual Offences Act, 2012, is to be produced on any day on which the Learned Sessions Court or Learned Special Court is not functional, the production of the accused person shall be made before the concerned Chief Judicial Magistrate, Dakshin Dinajpur or Additional Chief Judicial Magistrate, Gangarampur at Buniadpur as the case may be.

16. In matter relating to pending cases, applications for urgent hearing has to be filed, along with all particulars [mobile number and email i.d.]. Considering the urgency, the matter will be listed by the concerned Judge as per his/her convenience on the dates mentioned supra. The schedule of hearing with video conferencing link will be sent to the learned lawyer through the e-mail and phone number provided by the learned lawyer.

17. All hearings apart from hearing in the police file for the respective stations shall be through remote hearing i.e. through Video-conferencing. The learned lawyers can avail themselves with the infrastructure already set up and made functional in the V.C stations vide order dated 120 dated 23-04-2021.

18. The Learned Additional District and Sessions Judge Court Gangarampur at Buniadpur, Dakshin Dinajpur is a designated Court under the Protection of Children from Sexual Offences Act, 2012, and hence, shall remain functional on each working day. The Learned Officer transferred to the Court of Additional District & Sessions Judge, Gangarampur at Buniadpur, Dakshin Dinajpur has not yet joined and this has caused serious difficulties in smooth running of the administration, and the Learned Additional District and Sessions Judges at Balurghat are also facing serious inconvenience. Hamstrung by the absence of the regular Presiding Officer in the Court of Additional District & Sessions Judge, Gangarampur at Buniadpur, Dakshin Dinajpur, urgent administrative and extremely urgent Judicial matters relating to Court of Additional District & Sessions Judge, Gangarampur at Buniadpur, Dakshin Dinajpur during this period or until the regular Presiding Officer joins, which ever is earlier, be taken up by the Learned Judge as per the following Roster to override this exigency:

Sl. No.	Name of the Officer	Date of Duty [Total 13 working days]
1.	Sri. Akhilesh Kumar Pandey Additional District and Sessions Judge, 01 st Court, Dakshin Dinajpur at Balurghat	04-06-2021, 07-06-2021, 09-06-2021 and 11-06-2021
2.	Smt Suparna Ray, Additional District & Sessions Judge, 02 nd Court Dakshin Dinajpur at Balurghat	31-05-2021, 01-06-2021 and 02-06-2021

3.	Sri Ananta Kumar Singha Mahapatra Additional District & Sessions Judge, Special Court under Electricity Act, Dakshin Dinajpur at Balurghat	03-06-2021, 05-06-2021 and 14-06-2021
4.	Sri Ajayendra Nath Bhattacharya, Additional District & Sessions Judge, 03 rd Court, Dakshin Dinajpur at Balurghat	08-06-2021, 10-06-2021 and 15-06-2021

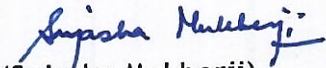
19. In order to facilitate and ensure transportation of the Learned Judges and Judicial Magistrates to and from the court, the Nazir at Balurghat is directed to make necessary arrangements of vehicle. The Nazir shall also identify some pick up points after consulting the concerned staff as per roster, where from; the staff attending the duty to man the Court, can be picked up and dropped. Similar arrangements be made by the Judge-in-Charge of Nazareth section at Buniadpur.

20. In order to assist the District Judge and the Judicial Officers and to meet urgent office matters; the CAO, Head Clerk, Nazir, System Officer, District System Assistant and any staff/System Assistant nominated by the CAO shall make themselves available at the Office on each working day.

21. The Karma Bandhus in this Judgeship are to ensure that proper cleaning of the court premises is maintained according to prevailing circumstances. Necessary communication be also made with the concerned department for regular sanitisation of the Court compound at Balurghat as well as at Buniadpur. The Nighth Guards shall attend on each and every day and ensure that there is no breach in safety and security.

This Order is passed in view of the Notification No. 647-ISS/2M-22/2020 dated 15-05-2021 and Notification No.707-ISS/2M-22/2020 dated 29-05-2021, passed by the Government of West Bengal, and is subject to further orders of the Hon'ble High Court at Calcutta. The Hon'ble High Court, Calcutta, be intimated accordingly through email.

Considering the exceptional circumstances arising out of this massive lock-down, this Order be circulated among all concerned via WhatsApp/Email of the Judicial Officers. In the emergent situation the Order be also uploaded in the official website of the District Judgeship for information to the Id lawyers, staff and litigant public at large.

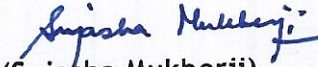

(Sujasha Mukherji)
District Judge
Dakshin Dinajpur at Balurghat
District Judge
Dakshin Dinajpur at Balurghat

Memo. No: 787 (37)/G

Date: 31.05.2021

• **Copy forwarded for information and taking necessary action, if any, to :-**

- 01-00) The Superintendent of Police, Dakshin Dinajpur at Balurghat.
02-07) The Additional District & Sessions Judge, 1st /2nd /3rd / F.T./ Special Court, Balurghat/ Buniadpur, Dakshin Dinajpur.
08-09) The C.J.M. / A.C.J.M., Balurghat / Buniadpur, Dakshin Dinajpur.
10-00) The Civil Judge (Sr. Division), Balurghat, Dakshin Dinajpur.
11-13) The Judicial Magistrate / 2nd Court, Balurghat / Buniadpur, Dakshin Dinajpur.
14-15) The Civil Judge (Jr. Division), Balurghat / Buniadpur, Dakshin Dinajpur.
16-00) The Principal Magistrate, J.J.B., Subhayan Home, Dakshin Dinajpur at Balurghat.
17-21) The Judge-in-Charge of Nezarath / Accounts / CD / F & S / D.R.R, Balurghat, Dakshin Dinajpur.
22-25) The Judge-in-Charge of Nezarath / Accounts / CD / F & S, Buniadpur, Dakshin Dinajpur.
26-27) District Judge's Vernacular Section/ Ejlash, Balurghat, Dakshin Dinajpur.
28-00) The System Officer, District Judge's Computer Section, Balurghat, Dakshin Dinajpur.
29-33) The G.P. / P. P. / A.P.P./ P.P.-in-Charge, Balurghat / Buniadpur, Dakshin Dinajpur.
34-00) The Secretary, Dakshin Dinajpur District Advocates' Bar Association, Balurghat, Dakshin Dinajpur.
35-00) The Secretary, Gangarampur Sub-Divisional Court Advocates' Bar Association, Buniadpur, Dakshin Dinajpur.
36-37) The Secretary, Law Clerk Association, Balurghat/ Buniadpur, Dakshin Dinajpur.


(Sujasha Mukherji)
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