

**OFFICE OF THE DISTRICT JUDGE
DAKSHIN DINAJPUR AT BALURGHAT**

ENGLISH DEPARTMENT

Order No. 155

Dated: Balurghat, the 15th June, 2021

ORDER

Keeping in view every possible facets in the 2nd wave of the pandemic, the Hon'ble High Court, Calcutta, from time to time, has been pleased to give several directions to strike the delicate balance between the safety of all the stakeholders and functioning of the Courts, to keep the wheels of Justice moving. The undersigned, in resonance with the directions of the Hon'ble Court, has also passed several Orders for smooth functioning of the Courts of this Judgeship, to ensure safety of all the stakeholders.

The Government of West Bengal, vide **Notification No. 647-ISS/2M-22/2020 dtd 15-05-2021**, subsequently **extended** vide **Notification No. 707-ISS/2M-22/2020 dtd 29-05-2021**, imposed several restrictions to cut down mobility of people to contain the pandemic. Now, vide **Notification No. 753-ISS/2M-22/2020 dtd 14-06-2021**, the Government of West Bengal has given several relaxations in the restrictions imposed by the previous notifications as the active cases of COVID-19 in the district decreased. However, **public transportation is still restricted till 30-06-2021**. As an inevitable outcome, there will be the same difficulty for the stakeholders i.e. learned lawyers, litigants, staff to come to the Courts and participate in the day-to-day hearing.

Now, considering the above factors and in conformity with the directions of the Hon'ble High Court, and taking into account the difficulties of the stakeholders in attending the Court, as well as in order to minimize the spread of the disease by reducing footfall in the Court premises, the following arrangements are made afresh.

1) All the Courts in the Judgeship of Dakshin Dinajpur will be functional on all working days on and from 16-06-2021, but as per the direction of the **Hon'ble High Court in Notification No. 2180-RG dated 16-05-2021, in "a restricted manner", with skeletal staff only**, to take up **urgent administrative matters and extremely urgent judicial matters [through Video Conference]** on the dates decided as under, **till 30-06-2021**.

Sl. no.	Name of Court	Dates on which urgent matters will be taken up for hearing
1.	District Judge, Dakshin Dinajpur.	17-06-2021, 19-06-2021, 22-06-2021, 24-06-2021, 28-06-2021 and 30-06-2021
2.	Additional District and Sessions Judge, 1 st Court, Dakshin Dinajpur at Balurghat	17-06-2021, 19-06-2021, 22-06-2021, 24-06-2021, 28-06-2021 and 30-06-2021

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	16-06-2021, 18-06-2021, 21-06-2021, 23-06-2021, 25-06-2021 and 29-06-2021
5.	Additional District & Sessions Judge, 3 rd Court, Dakshin Dinajpur at Balurghat	16-06-2021, 18-06-2021, 21-06-2021, 23-06-2021, 25-06-2021 and 29-06-2021
6.	Additional Sessions Judge, Fast Track Court, Balurghat	16-06-2021, 18-06-2021, 21-06-2021, 23-06-2021, 25-06-2021 and 29-06-2021

2) The **urgent applications, i.e. bail applications, applications under section 438 and 439 of the Code of Criminal Procedure, 1973**, before the **District Judge, Dakshin Dinajpur**, will be **taken up on all working days**. If so required, 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. **All bail hearing shall be strictly through Video Conferencing.**

3) **Following arrangement** is made for the Court of the **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	17-06-2021, 19-06-2021, 22-06-2021, 24-06-2021, 28-06-2021 and 30-06-2021

4) **Following arrangement** is made for the Court of the **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	16-06-2021, 18-06-2021, 21-06-2021, 23-06-2021, 25-06-2021 and 29-06-2021

5) **Following arrangement** is made for the Court of the **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	16-06-2021, 18-06-2021, 21-06-2021, 23-06-2021, 25-06-2021 and 29-06-2021

6) **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 Order, if passed by the **Chief Judicial Magistrate, Dakshin Dinajpur, in exercise of section 15 of the Code of Criminal Procedure, 1973.**

7) Similarly, **Police file** for the **Subdivision 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 Order, if passed by the **Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, in exercise of section 15 of the Code of Criminal Procedure, 1973.**

8) **Holiday remand file in the concerned stations 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.**

9) **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, so that in no circumstances, there is overcrowding in the Courts.**

10) **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	17-06-2021, 19-06-2021, 22-06-2021, 24-06-2021, 28-06-2021 and 30-06-2021
3.	Judicial Magistrate, 02 nd Court Balurghat	16-06-2021, 18-06-2021, 21-06-2021, 23-06-2021, 25-06-2021 and 29-06-2021

11) **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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12) Following arrangement is made for the Court of Additional Chief Judicial Magistrate, Dakshin Dinajpur and Judicial Magistrate Court, 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 days
2.	Judicial Magistrate, Gangarampur at Buniadpur	17-06-2021, 19-06-2021, 22-06-2021, 24-06-2021, 28-06-2021 and 30-06-2021

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

14) 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.

15) 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. Number of filing and mode and manner of filing shall be regulated as per earlier 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.

16) U.T.P.s 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.

17) 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 ld. lawyer.

18) 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.

19) 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 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, whichever 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 12 working days]
1.	Sri Ananta Kumar Singha Mahapatra Additional District & Sessions Judge, Special Court under Electricity Act, Dakshin Dinajpur at Balurghat	16-06-2021 to 22-06-2021
2.	Sri Ajayendra Nath Bhattacharya Additional District & Sessions Judge, 03 rd Court, Dakshin Dinajpur at Balurghat	23-06-2021 to 30-06-2021

20) 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, wherefrom 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.

21) 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 Administrator and any staff/System Administrator nominated by the CAO shall make themselves available at the Office on each working day.

22) 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 Night Guards shall attend on each and every day and ensure that there is no breach in safety and security.

23) All the Judges/ Magistrates may leave the Court and release their staff as early as possible on completion of their stipulated duty. The administrative hours be utilized properly by the Ld. Judges and Ld. Judicial Magistrate by regularizing transmission of case record to the DRR and updating the periodical statements.

This Order is subject to modifications as per further Orders of the Hon'ble High Court at Calcutta. The Hon'ble High Court at Calcutta be informed accordingly through email.

Considering the exceptional circumstances arising out of the restrictions imposed, 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 Judgship for information to the ld. lawyers, staff and litigant public at large.

Sd/-

(Sujasha Mukherji)

District Judge,

Dakshin Dinajpur at Balurghat

Memo. No: 827 (37)/G

Date: 15.06.2021

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

- 01-06) The Additional District & Sessions Judge, 1st /2nd /3rd / F.T./ Special Court, Balurghat/ Buniadpur, Dakshin Dinajpur.
- 07-08) The C.J.M. / A.C.J.M., Balurghat / Buniadpur, Dakshin Dinajpur.
- 09-00) The Civil Judge (Sr. Division), Balurghat, Dakshin Dinajpur.
- 10-12) The Judicial Magistrate / 2nd Court, Balurghat / Buniadpur, Dakshin Dinajpur.
- 13-14) The Civil Judge (Jr. Division), Balurghat / Buniadpur, Dakshin Dinajpur.
- 15-00) The Principal Magistrate, J.J.B., Subhayan Home, Dakshin Dinajpur at Balurghat.
- 16-00) The Superintendent of Police, 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.

Sd/-

District Judge,

Dakshin Dinajpur at Balurghat.