

WEST BENGAL POLICE DIRECTORATE
BHABANI BHAWAN, ALIPORE
KOLKATA - 700027

Memo No. 391 /Law Cell
Adm/CR/LC-291/23

Dated 30/05/2023.

To

- 1) All Superintendents of Police / Superintendents of Railway Police/ SP, ACB, WB/ Commissioners of Police under West Bengal Police.
- 2) Special Superintendents of Police, EB, WB/CID, WB/IB, WB.
- 3) Additional Directors General of Police, CID, WB/STF, WB.
- 4) Additional Directors General of Police, North Bengal Region / South Bengal Region/ Western Zone.

Ref. : Order of the Hon'ble High Court, Calcutta dated 26.04.2023 in CRM(DB) 939 of 2023 in the matter of Bimala Devi @ Bimla Devi Jaiswal @ Kamala Jaiswal arising out of Howrah Women PS Case No. 06 of 2017 dated 03.02.2017 under sections 498A/307/304-B/302/34 of Indian Penal Code and Govt. Order No. 5547(53)/1-PL/PE/15S/452/17 dated 10.11.2017 of Home & Hill Affairs department, Govt. of West Bengal (Copy enclosed).

The issue relates to ensuring timely deposition of public servant-witness in criminal trial by taking advantage of e-connectivity of the District Courts and Sub-divisional Courts.

It appears from the order of Hon'ble High Court, Calcutta in WPO(P) 5/2021 in the matter of Mangal Sardar -Vs- The High Court Administration and Ors. (Copy enclosed) that WEBEL has conducted a survey of all the districts in respect of issue of dedicated internet connectivity to all District Courts and Sub-Courts under Registrar (IT and Central Project Co-ordinator), High Court, Calcutta and till 18th November, 2022, 88 (eighty-eight) Court complexes were provided with such connectivity.

In view of direction of Hon'ble High Court, Calcutta in the instant matter, it is requested to take up the matter with the respective District Judges so that the facility of deposition of Police Personnel (both retired and In-service) who are residing /posted at a far off place from the trial Court, can attend the trial proceeding from distant place. Such facilities, if can be availed at its optimal level, will be cost effective as well as time saving.

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30/5/2023

Additional Director General of Police
(Administration), West Bengal

26.04.2023.
20.
Ct.No.28
as

C.R.M. (DB) 939 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah Women P. S. Case No.06 of 2017 dated 03.02.2017 under Sections 498A/307/304-B/302/34 of the Indian Penal Code.

In the matter of : Bimala Devi @ Bimla Devi Jaiswal @
Kamala Jaiswal.

... Petitioner.

Mr. Achin Jana,
Mr. Suman Chakraborty,
Mr. Prosenjit Ghosh,
Ms. Gargi Dhang.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subrata Roy.

...for the State.

Pursuant to our earlier direction, Investigating Officer is present in Court today. His presence is noted and dispensed with.

Reports have been filed before this Court with regard to compliance of the earlier directions passed by this Court in CRM (DB) 939 of 2023. Reports merely shows lip service to the said directions.

Learned Additional Public Prosecutor is unable to produce before us any witness register maintained by police station in respect of pending trials.

Additional Director General of Police (Administration) is directed to formulate a Standard Operating Procedure (in short 'SOP') including a witness register format which shall

be circulated to all police stations. Each police stations shall maintain the witness register in terms of the said circular.

Additional Director General of Police (Administration) shall submit further report with regard to implementation of the aforesaid requirements on the adjourned date.

We also emphasise the examination of official witnesses like police officers, doctors and experts may be done through video conferencing wherever necessary.

Trial courts are requested to take proactive steps in this regard.

We are informed that the examination of the medical officer is being fixed today. We hope and trust medical officer shall be examined today itself.

Report with regard to progress in trial be also filed on the adjourned date.

The matter will appear on 10th May, 2023.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

GOVERNMENT OF WEST BENGAL
HOME & HILL AFFAIRS DEPARTMENT
NABANNA, HOWRAH

No. 5547 (53)/1— PL /PE/155/452/17

Dated, Howrah the 10th day of November' 2017

From: Shri. Atri Bhattacharyya I.A.S.
Principal Secretary & Home Secretary to the Govt. of W.B.

To: 1. The Additional Chief Secretary / Principal Secretary / Secretary

✓ 2. The Director General & Inspector General of Police, W.B.

Subject: Compliance of Order dated 18-09-2017 and 23-10-2017 passed by Hon'ble High Court, Calcutta in the matter of C.R.R. No. 2434 of 2017 (Bibekananda Pramanik -V- State of W.B. & Ors).

With reference to the subject noted above I am directed, by the order of the Governor, to enclose a copy of the Solemn Order dated 18-09-2017 passed by Hon'ble Justice Joymalya Bagchi of Calcutta High Court, which will speak for itself.

In the aforesaid order, the Hon'ble High Court expressed its concern over unnecessary delay in criminal-trials due to communication gaps between the Investigation Officers and the respective Department / Offices wherein a public servant, who is also a witness to a criminal case, is posted. The Hon'ble High Court was of the view that situations might be avoided with some degree of sensitivity and co-operation between various Departments with the Investigating authorities. So in order to achieve Constitutional commitments of speedy and efficient trials in criminal cases, the Hon'ble Court directed the Chief Secretary and the Home Secretary for issuance of appropriate administrative orders in line with the directions issued in its order dated 18-09-2017.

Now, therefore, in compliance with the said Order dated 18-09-2017 passed by Hon'ble High Court, Calcutta, the Governor has been please to issue the following directions, which may be strictly adhered to by all the administrative Departments and Directorates and offices under its control: –

1. In all criminal cases where public servants are witnesses, their names, addresses, place of posting including their email ID, mobile number and Aadhar card particulars shall be stated in the police report. Upon submission of police reports wherein public servants are cited as witnesses, investigating agencies shall intimate the heads of the offices where such public servants are posted that the latter has been cited as a witnesses in a criminal case and particulars of the case shall be entered against the name of the said public servant in a register which is to be maintained physically or electronically (as the case may be) in every office including a police station in ordinary course of business. After the public servant has deposed or the case has otherwise come to an end, the investigating agency shall promptly

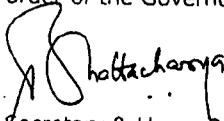
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inform such fact to the head of the said office who shall thereafter delete the particulars of the said case from the register;

2. In the event of any transfer of a public servant-witness, intimation of transfer shall be send by the departmental head under whom the public servant is employed as well as the concerned public servant to the Officer-in-charge of the police station where any case in which the public servant is cited as witness is registered and the Officer-in-charge of the concerned police station; in turn, shall immediately intimate such transfer or change in the place of employment of the public servant / witness to the trial court so that summons to appear may be duly served upon the said public servant at his new place of posting. Immediately upon the public servant / witness joining his new place of posting, the witness register maintained in terms of direction No. 1 above, in his new place of posting shall be amended by incorporating therein the particulars of the case where he is to depose;
3. If the public servant is unable to attend the trial proceeding at a far off court due to administrative inconvenience, video conferencing facility shall be utilised for the deposition of such public servant so that the trial of the cases are not delayed due to such administrative or logistic reasons;
4. In the event of superannuation of a public servant-witness, prior to release of his retirement benefits the concerned department shall take an undertaking from the said public servant that he shall duly depose in the pending criminal cases wherein he is cited as a witness as and when summoned by the Court of law and shall furnish his address and other particulars including mobile number before the officer-in-charge of the police station where such cases are registered and if there is any subsequent change in the aforesaid particulars he shall promptly intimate the officer of such change and the said changes so that summons may be served upon him at such place of residence for examination during trial;
5. Failure on the part of the departmental / office heads, offices in charge of police stations and /or investigating officers to comply with the aforesaid directions shall be deemed to be dereliction of official duties on their part attracting disciplinary proceeding against them;
6. If a public servant willfully fails and / or neglects to appear before a court of law and depose inspite of issuance of summons, such conduct shall be deemed to be in dereliction of his official duties attracting disciplinary action.

I am further directed by the Order of the Governor to say that the above directions shall be duly complied with by all Departments and Directorates and offices thereunder. A copy of this order may be circulated to all the subordinate offices by the respective Head of the Departments, Directorates and Commissionerates for strict compliance.

By order of the Governor,


Principal Secretary & Home Secretary
Home & Hill Affairs Department

ORDER

OD - 7

WPO(P)/5/2021
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

MANGAL SARDAR
VERSUS
THE HIGH COURT ADMINISTRATION AND OTHERS

BEFORE:

HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
HON'BLE JUSTICE RAJARSHI BHARADWAJ

Date: 18th November 2022.

APPEARANCE:

Mr. Srikanta Dutta, Advocate
Ms. Rituparna Sarkar Dutta
... for petitioner

Mr. Siddhartha Banerjee, Advocate
Ms. Jyoti Rauth, Advocate
... for High Court Administration.

Mr. T.M. Siddiqui, AGP
Mr. D. Ghosh, Advocate
Mr. N. Chatterjee, Advocate
... for State of WB.

The Court:- Learned counsel for the State has filed the report in the form of affidavit on behalf of the Judicial Department, Government of West Bengal. A separate report in the form of affidavit on behalf of the Chief Engineer (Works) Electrical, Public Works Directorate, Government of West Bengal has been filed.

A perusal of Annexure-A enclosed with the report filed by the Judicial Department reveals that the IT estimates are yet to be received from Howrah, Murshidabad and Bankura. Annexure-B reveals that administrative approval has been accorded in the year 2021 on 15.07.2021 and 07.12.2021 in respect of the virtual courts and court rooms and judges' chambers, video conferencing facility and IT infrastructure for VC cabins etc. in City Civil Court and Presidency Small Causes Court, Calcutta.

The report filed by the Chief Engineer (Works) Electrical, Public Works Directorate also mentions that that 20 number of estimates have been

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submitted to the requisitioning authority i.e. the concerned District Judge / Chief Judge and only four works have received administrative approval and no requisition is pending.

Counsel appearing for the High Court Administration has drawn the attention of this Court to the report in the form of affidavit dated 22nd September 2022 on behalf of the High Court Administration and referring to paragraph 11, he has pointed out that Webel Technology Limited has provided detailed survey report along with cost estimates for setting up video conferencing facilities with LAN connectivity in the court complexes and the said report has been forwarded to the Learned District Courts for verification. He has also submitted pointed out that at the time of submitting the report dated 22nd September 2022, 87 court complexes were provided with dedicated internet connectivity. Now, the said figure has gone up to 88. He seeks time to obtain instructions whether the report after verification has been sent by the District Courts to the Judicial Department. He also seeks time to obtain instructions in respect of the remarks in the chart enclosed with the report of the Judicial Department stating that the IT estimates are yet to be received. He also seeks time to apprise this Court about the development after the administrative approval in respect of the projects which are mentioned in Annexure-B.

Let the affidavit on behalf of the High Court Administration in this regard be filed within a period of three weeks.

List on 16th December 2022.

[PRAKASH SHRIVASTAVA, C.J.]

[RAJARSHI BHARADWAJ, J.]