

Special Case No. 17 of 2022 (POCSO) (CIS NO.25/2018)

Order no. 22
28-06-2024

Today is fixed for further order and appearance of the accused persons. Sole accused Lakhiram Hansda on court bail is present and files hazira. Ld. Special PP is also present and files hazira.

To put things into perspective, on 26-06-2024, being the previous date fixed in this case, the I.O had appeared in person and had submitted a report stating that he had handed over the original case docket and the charge sheet to Ld. Special PP on 18-10-2022. Conspicuously, the Ld. Special PP was not present before the court, on that date. Accordingly, the case was fixed today for hearing the Ld. Special PP.

Ld. Special PP submits before the court that he had in fact received the original case docket from the I.O on 18-10-2022, but not the original charge sheet, which is supposed to be submitted before the court by the I.O. I do find some merits in the submission of Ld. Special PP. However, the same gives rise to more questions than answers. The record was fixed for submissions of I.O report in final form. In fact by order dated 21-05-2024, this court had directed to submit a report regarding progress of investigation of this case. However, despite being present before the court, the Ld. Special PP did not draw the attention of the court towards the fact that the original C.D is in his custody or that investigation has already concluded, since a portion of the charge sheet features in the case docket.

On the other hand, there is no endorsement in the case record or in the peon book of this court that the charge sheet has ever been received. Consequently, it was incumbent upon the I.O to enlighten the court regarding the whereabouts of the charge sheet that is still missing. Accordingly, I opine that the presence of the I.O is once again require to explain why he has not submitted charge sheet before the court despite having completed investigation more than a year and half ago. As such, the I.O is directed to personally appear before this court on 25-07-2024 and explain why the charge sheet was not submitted before this court immediately upon completion of investigation.

The Ld. Special PP is also requested to remain present before the court on the date fixed, so that no further confusion prevails with regard to the charge sheet.

Fix 25-07-2024 for personal appearance and explanation by the I.O.

Let a copy of this order be sent to O/C Dubrajpur P.S for communication to the I.O.

(Dictated & corrected by me)

Judge, Special Court (POCSO)
Rampurhat, Birbhum
J.O Code No. WB00885

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