

Special Case No. 17 of 2022 (POCSO) (CIS NO.17/22)
CNR NO.WBBB05-000580-2022

Order No.20
21-05-2024

Today is fixed for report of I.O in terms of Section 173 of the Cr.P.C. Sole accused persons on court bail namely; Lakhiram Hansda is present and files hazira. Ld. Special PP also present and files hazira. Report in final form has not been received from the I.O. The Special (POCSO) case No.17 of 2022 arose from Rampurhat P.S Case No. 392 of 2022 dated 15-07-2022 under Section 363 of the IPC read with Section 4 of the POCSO Act. The accused Lakhiram Hansda @ College Hansda was brought under arrest and produced before this Court on 17-09-2022. Even since more than 1½ years have elapsed but the report in final form has not been submitted before the Court. The Hon'ble Supreme Court in the land mark decision of Sakira Vasu – Versus- State of Uttar Pradesh (2008) 2SCC 409 expounded that the Power of the Court to monitor the investigation of the case has been read within Section 156(3) of Cr.P.C. It provide for a change by the Ld. Magistrate/Court on the police performing its duty under Chapter-12 of the Cr.P.C. In cases where the Magistrate/Court finds that the police has not done his duty of an investigation of the case at all or has not done it satisfactorily he can issue a direction to the police in that regard and can monitor the progress of the investigation. This reflects a paradigm shift in the perception of a Magistrate/Court and recognition of his social function. The Court can no longer remains a mute spectators to the inadequacies of investigation but can make meaningful intervention. Monitoring of investigation by a Magistrate/Court is thus of vital importance to protect the integrity of the prosecution.

In other words under Section 156 (3) of the Cr.P.C a Magistrate has the supreme authority to monitor the investigation and passes necessary order if he finds that the investigation has not been conducted properly.

In the instant case, the investigation has been virtually stalled for the last several months, if not for better part of an year, or so it appears, since the C.D has not been produced before the Court in a long time. Meanwhile the accused person was granted bail by the Hon'ble Court and he was released very close on 19-11-2022.

In such premises, the I.O is directed to personally remain present on the date fixed along with the C.D and submit a details report regarding the progress of the investigation of this case.

Fix 26-06-2024 for report of I.O in final form.

To date for personal appearance of the I.O with C.D.

Let a copy of this order be sent to the I.O of this case for strict compliance.

(Dictated & corrected by me)

Sd/- S.R.Chowdhury
Judge, Special Court (POCSO)
Rampurhat, Birbhum
J.O Code No. WB00885

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