

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

Order No. 29
21-01-2025

Today is fixed for report from SDPO, Rampurhat.

Accused Kaleg Hansda @ Lakhiram Hansda on court bail is present and files hazira. The Ld. Special PP is also present and files hazira. No report has been received from SDPO, Rampurhat in compliance with the order dated 09-12-2024.

Special POCSO Case No.17 of 2022 arose from Rampurhat P.S Case No. 392 of 2022 dated 15-07-2022 under Section 4 of the POCSO Act, read with Section 363 of the IPC. The accused Kaleg Hansda @ Lakhiram Hansda was brought under arrest and produced before this court on 17-09-2022. The medico legal examination of the V.G was done at Rampurhat Medical College & Hospital and her statement was recorded under Section 164 of Cr.P.C. On 16-11-2022, the accused person obtained bail from the Hon'ble Court, apparently due to non submission of charge sheet, till the hearing of the bail petition. Thereafter, the record was fixed for appearing of the accused persons and report of the I.O in final form. Till 21-05-2024, the accused person enter his appearance before this court and Ld. Special PP file hazira. It was detected on that day that final report has not been received even after a lapse of 1½ years. Accordingly, the I.O was directed to personally remain present on 26-06-2024 and submit a report regarding the progress of investigation of this case. On that, the I.O appeared before this court along with the C.D and revealed that he handed over the original case docket along with the charge sheet to the Ld. Special PP on 18-10-2022, even though the same had not reached the court. The Ld. Special PP who absent from court on 26-06-2024 disclosed before the court on the next date (28-06-2024) 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. Scrutiny of the relevant registers of this court left no doubt that the charge sheet had not been submitted before this court at least 28-06-2024. On 02-09-2024 the I.O filed final report in terms of Section 173 of Cr.P.C, being C.S No.529 of 2022 dated 17-10-2022, which bore his dated signature. Apparently, the said charge sheet has been forwarded by the then I.C Rampurhat P.S Inspector Debais Charkraborty, even though the date below such signature was conspicuous by its absence. On 29-09-2024, the I.O revealed that he had submitted the complete case docket, comprising of 117 pages along with the charge sheet at Rampurhat P.S, for its submission before the court, but the concerned Police station inadvertently submitted the charge sheet before the Ld. Special PP. This court, on 02-09-2024 observed that the I.O by admitting that he had not submitted the charge sheet before the court, held responsible Rampurhat P.S for handing over the charge sheet to the Ld. Special PP. Further, the absence of dated signature of the then I.C Rampurhat on the aforementioned charge sheet also caught the attention of this court. Accordingly, on 02-09-2024, directed I.C Rampurhat P.S to furnish an explanation regarding the allegations of the I.O. The Ld.Special PP was also requested to apprise the court regarding custody of the charge sheet.

On 05-10-2024, the I.C Rampurhat P.S submitted a report admitting that the I.O of this case S.I Amitava Pal had handed over the original case docket along with the charge sheet of this case, comprising a total of 117 pages to the Ld. Special PP under the POCSO Act, to be submitted before the court. In support of such contention, he had furnished a photo copy of the C.D challan bearing acknowledgment of the Ld. Special PP, as well as a true copy of charge sheet in question that was supposedly dispatched on 17-10-2022.

The Ld.Special PP submitted his report stated that he has received an incomplete case docket comprising of 115 pages which was signed by the I.O. His report further indicated that in page no.117 of the C.D, there was some corrections made by the I.O, without his signature being attested on the concerned correction. The Ld. Special unequivocally stated that entire fault in this regard is of the I.O who was ignorant in the provisions of law.

The cognizance of the offences by the accused persons was not taken and a report was called for from SDPO, Rampurhat in this regard. On 09-12-2024, a report was received from SDPO, Rampurhat who happens to be the Nodal officer for monitoring of trial of all cases within his jurisdiction. However, the SDPO, Rampurhat virtually exonerated all concerned in this matter. Pertinently, the SDPO, Rampurhat had stated in his report on 09-12-2024 that the last page of the final report was misplaced. This court had opined on that day that since the final report was itself of 3 pages, merely stating that the one of the pages was misplaced cannot be any justification to exonerate the stack

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holders in this incident. Accordingly, a fresh report was called for from the SDPO, Rampurhat on 09-12-2024 for submission in this day.

Unfortunately, no report has been received from SDPO, Rampurhat on this day. The same is viewed by this court with great displeasure. The time limit for filing charge sheet in cases under the POCSO Act, for offences not punishable by death, life imprisonment or imprisonment exceeding 10 years is 60 days from the date of institution of the FIR. For other heinous offences, charge sheet may be filed within 90 days. In the present case the charge was submitted almost two years after institution of the FIR. The same is a gross violation of law, which should invite serious consequences from the authority concerned.

In the present case, whether it is the I.O or the concerned P.S or for that matter the Ld. Special PP, somebody is definitely at fault for what is nothing short of a travesty. Somebody has to take responsibility for the same or somebody has to be held responsible for this incident, so as to set an example, in order to ensure that nobody dares to repeat such a mistake in future. However, the report of the SDPO, Rampurhat dated 09-12-2024 was not only cryptic, it sought to exonerate everybody concerned from what was a humongous blunder.

In such premises, I invite attention of the Superintendent of Police, Birbhum to get to the bottom of this incident and do whatever is necessary to ensure that such miscarriage of justice is not repeated in future.

The accused person has remained present on all dates, ever since his bail on 16-11-2022. Perused the charge sheet submitted by the I.O on 02-09-2024. This court had not taken cognizance of the offence till any finality was arrived at, in respect of fixing responsibility for the fiasco regarding the charge sheet, but the same has meant that the case has been dragged on without trial being commenced. Accordingly, cognizance is taken for commission of offences punishable under Section 363 of the IPC read with Section 4 of the POCSO Act against accused Kaleg Hansda @ Lakhiram Hansda.

To **13-02-2025** for service of copy upon the accused person under Section 207 Cr.P.C.

To date for appearance of the accused person.

Let a copy of this order be sent to the Superintendent of Police, Birbhum for information and necessary action.

(Dictated & corrected by me)

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

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

Memo No.

Dated:

Copy forwarded to the Superintendent of Police, Birbhum for information and taking necessary action.

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