

In the Court of the Special Judge-cum-Addl. Sessions Judge, Kalna,
Purba Bardhaman

Pre : Sri Sudhir Kumar (UID Code-WB00589), Spl. Judge-cum-Addl.
Sessions Judge, Kalna

Ref : Sessions (Special) Case No. 07 of 2024 (POCSO Act, 2012)

(Arising out of Nadanghat P.S. Case No. 129 of 2024 dated 27.02.2024 u/s.
10/12 of the Protection of Children from Sexual Offences Act, 2012)

**The State Vs. Accused 1) Asif Mallick, 2) Amirul Mallick and 3) Masud
Mallick.**

Order No. 02 dated 02.03.2024

Record is put up today.

The I.O. has prayed for recording the judicial statement of the
victim girl (aged 17 years)D/O. Nabir Sk under Section 164 of the Cr.P.C. for
the interest of investigation.

The petition is moved by the learned Spl. PP in-charge.

Having considered all aspects and mainly in the interest of proper
investigation the prayer of the IO is hereby allowed and statement of the
V.G. be recorded by the Ld. Judicial Magistrate, 1st Court, Kalna.

Lutfa Sk, the mother of the victim girl, files a petition supported
by fresh Vokatnama with a prayer to take her daughter to her custody on
behalf of the V.G.

Perused the petition. Considered.

The victim girl is present and called on dock and on being
examined by this Court, she (V.G.) expressed her willingness to go back with
her father to her own house. Mother Lutfa Sk also expressed her willingness
that she wants to take her minor girl.

Having considered the willingness of the VG and taking into
consideration the present age of the VG as well as considering the safe
custody, the prayer is allowed.

Let the V.G. be handed over to her mother's custody namely Lutfa
Sk by executing a P.R. Bond of Rs.500/- along with condition to produce the
V.G. before the Ld. Court of JM, 1st Court, Kalna for recording her statement
u/s 164 of Cr.P.C.

Accordingly, Ld. J.M., 1st Court, Kalna, Mrs. Nazmus Sahar is
requested to take steps for recording the statement of the victim girl u/s. 164
Cr.P.C. after proper verification and identification and to send the recorded
statement to this Court as soon as possible.

Order No. 02 dated 02.03.2024/ contd.....

Let this case record be sent to the Ld. Judicial Magistrate, 1st Court, Kalna for information and taking necessary action.

The V.G. of this case be produced before the Ld. J.M., 1st Court, Kalna by escorting with a Lady Police Constable for recording her statement under section 164 of the Cr.P.C. accordingly on the date to be fixed by the Ld. J.M., 1st Court, Kalna with a request to the Ld. JM, 1st Court, Kalna to hand over the V.G. to the mother of the V.G. above named after recording the statement of the V.G. u/s. 164 of Cr.P.C. by her at her convenient time.

Ld. Judicial Magistrate, 1st Court, Kalna is requested to sent back the record to this Court after properly recording the statement judicially as per provision u/s. 164 of Cr.P.C.

The I.O. has prayed another prayer for supplying the copy of statement of the V.G. under Section 164 of the Cr.P.C. for the interest of his investigation.

Perused the prayer. Considered. Ld. Spl. PP in charge also raises no objection in supplying the copy to the IO. Prayer is allowed.

Accordingly, let the copy of statement of the V.G under Section 164 of the Cr.P.C. recorded by the Ld. JM, 1st Court, Kalna, be handed over to the IO.

To date (05.03.2024) for hearing the bail petition in respect of all three accused persons.

Dict. & corr.)

Sd/-Sudhir Kumar
Special Judge,-cum-ASJ,Kalna

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Spl. Judge-cum-ASJ, Kalna