

Special case no. 04 of 2021
CNR no. -WBBK090000872021

Order No. 02

Dated 25.05.2021

Record is put up today on the strength of put up petition filed by I.O., Biman Kundu.

I.O. of this case has filed three petitions. In the first petition I.O. prays for passing necessary order for recording statement of both the victim girls U/s 164 of the Cr.P.C. This petition of I.O. is taken up for hearing. I.O. of this case has submitted that for proper investigation of this case, recording of the statement of the victims of this case is necessary. He prays for passing necessary order in this respect.

I have heard the submission of the I.O. of this case, and also checked the voluntariness of the two victim girls regarding giving their statement before the Ld. Magistrate.

Considering that the recording of the statement of the victims will be useful for the proper investigation of this case, and in the interest of justice, I am of the view that it will be justified to allow this petition of the I.O. Ld. A.C.J.M, Khatra is requested to take steps for recording the statements of both the victims of this case as per the provisions of law.

Let the copy of this order along with the record be sent to Ld. A.C.J.M , Khatra for necessary action.

In the second petition I.O. of this case prays for passing necessary order for medical examination of both the victim girls. This petition of I.O. is taken up for hearing. I.O. of this case has submitted that for the proper investigation of this case medical examination of both the victims are necessary. He prays for passing necessary order.

I have heard the submission of the IO of this case and perused the record.

Considering that medical examination of both the victims is necessary and useful for the proper investigation of this case, I am of the view that it will be justified to allow this petition of the I.O. Superintendent, BSMCH, Bankura is directed to take necessary steps for medico legal examination of both the victim girls as per the provision of law. I.O. of this case is directed to coordinate with the Superintendent, BSMCH, Bankura for medico legal examination of both the victim girls.

In third petition I.O of this case has prayed for medico legal examination of the accused Nayan Garai. Considering that medical examination of the accused person is necessary and useful for the proper investigation of this case, I am of the view that it will be justified to allow this petition of the I.O.

Superintendent, BSMCH, Bankura is directed to take necessary steps for medico legal examination of the accused person as per the provision of law, and subject to consent of the accused person, I.O. of this case is directed to coordinate with the Superintendent,

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BSMCH, Bankura and Superintendent, District Correctional Home, Bankura for medico legal examination of the accused person. Superintendent, District Correctional Home, Bankura is directed to hand over and take back the accused, Nayan Garai to the I.O. of this case for medico legal examination ensuring safety and security of the accused person.

With the above observations, all the three petitions dated 25.05.2021 filed by the I.O. of this case is disposed of. All the parties are directed to follow the COVID-19 Protocol during the proceedings.

To date (29.05.2021) for production of the accused person and hearing of the bail petition dated 24.05.2021 filed on behalf of the accused person.

Let the copy of this order be sent to – 1. Ld. A.C.J.M, Khatra for necessary action, 2. Superintendent, BSMCH, Bankura for necessary action and 3. Superintendent, District Correctional Home, Bankura for necessary action.

Dictated and corrected
by me

25.05.2021

Judge, Special Court
Khatra, Dist.- Bankura.
(U/S POCSO Act)
(J.O. code WB01399)
25.05.2021.