

Special Case No. 10 of 2024
CNR No.WBBK090001602024

Order No. 20

Dated: 01-03-2025

Today is fixed for production of the accused namely Gouranga Sahis in custody and hearing of the petition dated, 31-08-2024 filed on behalf of the prosecution.

The case record is put up before the Court.

The accused is produced through virtual mode.

The Ld. Special P.P. moves the instant petition, dated 31-08-2024 praying for allowing for recording of evidence through interpreter for the victim girl.

It is submitted that the victim girl has at about 90 per cent mental disability and she always laughs without answering to the questions put to her and it is very difficult to record her evidence in a normal way like other witnesses.

It is submitted that only option at present is to record her statement through a competent interpreter and in that case neither of the parties will be prejudiced and proper trial will be held.

Ld. Advocate for the accused submits inter alia that the victim made a statement to the IO and to the Ld. Judicial Magistrate and considering those statements, necessary order in regard to the instant petition of the prosecution should be passed.

The victim is present before the Court and she is tested by asking some questions to her.

It is seen that the victim only laughs after putting questions to her and she does not give any reply in comprehensible way.

On the other hand, the mother of the victim is also present before the Court and she says that she does not answer in a proper way to her family members and even she does not want food in the family. She reacts in no other way except laughing.

Considering the existing facts and circumstances of the case, materials on record, submission of the parties, interaction of the Court with the victim, statement of the mother of the victim before this Court, spirit of the POCSO, Act and ultimately, taking into account interest of justice to the parties, the petition, dated 31-08-2024 filed on behalf of the prosecution is allowed as prayed for.

The instant petition, dated 31-08-2024 is accordingly disposed of on contest without any order as to costs.

Let a copy of this order be handed over to the Ld. Special P.P. for necessary action.

To 03-03-2025 for production and hearing of the petition, dated 25-02-2025 praying for bail of the accused.

Dictated & Corrected by me,

Judge, Special Court,
Khatra, Bankura
(Under POSCO ACT)

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Khatra, Bankura
(Under POSCO ACT)