

POCSO Case No. 30 of 2023

POCSO Trial No. 02 (01) 2024.

Order No. 01 :

Dated: 04-01-2024.

Three accused persons, namely Sudevi @ Sudhabi @ Sudavi Barman, Gopal Barman and Nani Barman on C/B are present by filing hazira.

Accused Gouranga Barman is produced from the correctional home and remanded to J/C till next date.

Ld. Counsel **Sri Dhiman Roy** and Ld. Special P.P **Taherul Islam** are also present.

Today is fixed for consideration of charge.

Record is taken up for the same.

Heard both sides.

Gone through the materials on record and it appears that there is no any prima-facie materials to frame charge against the accused **Sudevi @ Sudhabi @ Sudavi Barman, Gopal Barman and Nani Barman**. Accordingly they are stand discharged from this case u/s 227 of Cr.P.C. They are discharged from their respective bail bonds.

Ld. Special P.P submits that there are sufficient incriminating materials against accused Gouranga Barman **under section 6 of the POCSO Act** and as such charge may be framed against him for the said offence.

Heard the Ld. Defence Advocate.

Considering the submission of both the sides and having regard to the materials in the C.D and the materials on record, I am of the view that the prosecution has been able to show that sufficient materials have been collected against accused Gouranga Barman involving him in the alleged offence **under section 6 of the POCSO Act** for which the trial can be proceeded against him and the present accused presumably be punished accordingly.

Accordingly, charge is framed against the accused Gouranga Barman and the contents of the charge are read over and explained to the accused to which he pleaded not guilty by saying '**Ami Nirdosh**' and claimed to be tried.

Formal charge is kept with the record in separate sheet. Trial will proceed on the following schedule.

To 01-02-2024 for evidence of C.S.W. Nos. 1 & 2.

02-02-2024 for evidence of C.S.W. Nos. 3 & 4.

03-02-2024 for evidence of C.S.W. Nos. 5 & 6.

Issue summons to witness accordingly.

Accused as before.

Prosecution is directed to supply the written up summons for issuing & causing service.

At the very outset Ld. Defence Counsel prays for bail of accused Gouranga Barman on any condition submitting that he will not abscond and he will face the trial.

Now the bail petition is taken up for hearing.

Heard both sides.

Perused the bail petition, C/D and materials on record.

It is a case under section 6 of POCSO Act. Allegations against the accused is that the accused committed rape upon the minor victim.

Considering the alleged nature of offence, payer for bail is hereby rejected.

To date.

Dictated & corrected by me,

Sd/-

Sd/-

Judge,
Spl. Court (POCSO)-cum-
Additional Dist. & Sess. Judge,
Dinhata.

Judge,
Spl. Court (POCSO)-cum-
Additional Dist. & Sess. Judge,
Dinhata.