

**In the court of Judge Special Court (EC Act)- Cum- Additional**

**District and Sessions Judge, 2<sup>nd</sup> Court, Sadar, Cooch Behar**

**POCSO Case No. 14 of 2022**

**Present :- Sri Sanjoy Kumar Das,  
Judge POCSO Court-Cum-  
Addl. Dist. & Sess. Judge,  
2<sup>nd</sup> Court, Cooch Behar, I/C**

**Order No. 01, dt. 19.04.2022 :-**

Received FIR, written complaint, accused challan, forwarding report, arrest cum inspection memo and ticket for emergency patients along with accused Sunil Dutta from Officer-in-charge of Pundibari P.S, District-Cooch Behar being F.I.R No. 193/2022 dtd. 18.04.2022 U/s- 10 of the POCSO Act against the accused Sunil Dutta.

Accused is placed on dock and taken into custody.

Ld P.P is on leave. I am in charge of this court.

Seen all the documents.

Register the same as POCSO case being POCSO Case no. 14/2022 in the relevant case register.

A bail petition is filed on behalf of accused Sunil Dutta along with fresh vokalatnama praying for bail on the ground that accused is innocent and has been falsely implicated in this case, he is an aged person and he has his wife and son. Ld defence counsel also submitted that accused has his permanent residence within the jurisdiction of this court and if he is enlarged on bail, he will not flee away. On this ground accused prayed for bail.

Ld P.P raised strong objection contending that C.D is not available with her and prays for rejection in granting bail.

No affidavit is filed on behalf of accused regarding pendency or rejection of bail before the Higher Forum.

Heard both sides in respect of bail matter.

Perused the FIR and other materials on record.

So, considering the nature and gravity of the alleged offence, I am not inclined to enlarge the accused on bail at this stage. Accordingly prayer for bail of the accused stands rejected.

Call for C.D.

Accused is remanded to J/C till 27.04.2022.

To 27.04.2022 for production and I.O's report.

At this stage, I.O files a petition praying for recording of statement of the victim girl (X), aged about 9, D/o- Dipali Barman of Chakchaka, P.S Pundibari, District-Cooch Behar U/s-164 of Cr.P.C.

Victim girl is produced along with her mother before Court by I.O.

Heard Ld P.P in-charge as well as I.O.

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**POCSO Case No. 14 of 2022**

**Contd. Order No. 01, dt. 19.04.2022 :-**

Prayer is considered and allowed.

Ld. Chief Judicial Magistrate, Cooch-Bihar is requested to record the statement of the victim girl, either by himself or by any other Ld. Judicial Magistrate assigned by him U/s-164 of the Cr.P.C in accordance with law and in compliance with the provision of section 25 and 26 of the POCSO Act, 2012 and return the case record along with the statement recorded U/s 164 of the Cr.P.C in a sealed cover after completion of recording and after observing all formalities.

***Ld. Chief Judicial Magistrate, Cooch-Bihar is further requested to follow the guidelines in connection with CRA No. 517/2017 passed by Hon'ble Justice Bibek Chowdhury on 16.12.2021.***

Victim girl and her mother be produced before that Court accordingly.

Audio recorder also be produced before the court of Ld. CJM, Cooch Behar for recording the statement of victim girl u/s-164 of Cr.P.C.

Let the case record be placed before the Ld. Chief Judicial Magistrate, Cooch-Bihar for compliance.

To date (27.04.2022) for production and I.O's report.

Dictated & Corrected,

Judge POCSO Court-Cum-  
Addl. Sess. Judge, 2nd Court  
Cooch-Bihar, I/C.

Judge POCSO Court-Cum-  
Addl. Sess. Judge, 2nd Court  
Cooch Behar, I/C  
JO Code No.: WB 00607