

**In the court of Judge Special Court (EC Act)- Cum- Additional
District and Sessions Judge, 2nd Court, Sadar, Cooch Behar**

POCSO Case No. 28 of 2022

Present :- **Sri Shyam Sundar Das,
Judge POCSO Court-Cum-
Addl. Dist. & Sess. Judge,
2nd Court, Cooch Behar.**

Order No. 01, dt. 14.06.2022 :-

Received FIR, written complaint, accused challan, forwarding report, arrest cum inspection memo and ticket for emergency patients along with accused Mahadeb Paul from Officer-in-charge of Pundibari P.S, District - Cooch Behar being F.I.R No. 318/2022 dtd. 13.06.2022 u/s- 4 of the POCSO Act against the accused Mahadeb Paul.

Accused is placed on dock and taken into custody.

Seen all the documents.

Register the same as POCSO case being POCSO Case no. 28/2022 in the relevant case register.

Ld Defence counsel files bail application praying for bail on the ground that accused has been falsely roped into the case and he is a student of 2nd year and therefore considering his career he may be enlarged on bail at any condition.

Ld P.P raised strong objection in granting bail to the accused on the ground that so far as the accusation is concerned u/s-4 of the POCSO Act and considering the stage of investigation the prayer for bail of the accused should be rejected.

Heard both sides.

Perused the FIR and the allegations contained therein.

Considered.

At this stage the prayer for bail of the accused stands rejected.

The accused is remanded to J/C till 21.06.2022.

Call for C.D.

To 21.06.2022 for production.

At this stage, I.O files a petition praying for recording of statement of the victim girl (X), aged about 16, D/o- Dulal Badyakar of Dakshin Kalarayer Kuthi, P.S Pundibari, District-Cooch Behar U/s- 164 of Cr.P.C accompanied by L.C-242 Lina Roy.

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

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

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 and to release the victim girl with a direction to I.O to hand over the V.G to her legal guardian.
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Contd. Order No. 01, dt. 14.06.2022 :-

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.

I.O files another petition praying for holding capability test of the accused person namely Mahadeb Paul, aged about 19 years, S/o- Chandan Paul of Alipurduar, Court More, P.S and District-Alipurduar.

Heard Ld P.P as well as I.O.

Considered.

Prayer of I.O for conducting capability test of the accused Mahadeb Paul is allowed.

Superintendent-Cum-Vice Principal of Government Medical College and Hospital, Cooch Behar is requested to hold capability test of the accused Mahadeb Paul after his production and identification before him according to law and submit report.

Superintendent of Correctional Home, Cooch Behar is requested to produce the accused before the Superintendent-Cum-Vice Principal of Government Medical College & Hospital, Cooch Behar through I.O of this case for capability test.

Let a copy of this order be sent to the Superintendent-Cum-Vice Principal of Government Medical College & Hospital, Cooch Behar, Superintendent of Correctional Home, Cooch Behar and I.O of this case for their information and compliance.

To date (21.06.2022) for production and I.O's report.

Dictated & Corrected,

Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar

Judge POCSO -Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar
JO Code No. WB 00634