

POCSO Case No. 49 of 2024

Present :- Sri R. P. Ray, Addl. District & Sessions Judge, FTC,
Sadar Cooch Behar, In-charge of
Addl. Dist. & Sess. Judge, 2nd Court,
Cooch Behar. JO Code No.WB00899

Order No.02, dt. 06.08.2024 :-

Today record is put up before me on the prayer of I.O.

I.O of this case has submitted a prayer through Ld P.P in charge praying for recording of statement of the victim girl XXXXX (masked), aged about 14 years U/s-**183 of B.N.S.S.** accompanied by her Aunty (Pishi) escorted by lady constable Ruma Barman being No. LC/1194 of Sadar Women P.S, Cooch Behar, apart from videographer.

Victim girl is produced along with her aunt (Pishi) by I.O through lady constable.

Heard.

Prayer of I.O as sought for is considered and allowed.

Ld. Chief Judicial Magistrate, Cooch-Behar is requested to cause recording the statement of the victim girl (VG) by any available Lady Ld. Judicial Magistrate, assigned by him U/s- **183 of B.N.S.S.** in accordance with law and in compliance with the provision of section 25 and 26 of the POCSO Act, 2012, Section **183(6)(a) of B.N.S.S.** and return the case record along with the statement recorded U/s **183 of B.N.S.S.** in sealed cover after completion of recording and observing all formalities and to release the victim girl with a direction to I.O to hand over the V.G to her guardian.

The IO of this case is also directed to produce the Victim girl as per law before the Ld. CJM, Cooch Behar for recording statements of the VG U/s 183 of B.N.S.S. as per order, if any. IO is further directed to ensure presence of parent(s) of the child or any other person in whom the child has trust or confidence to accompany and remain present with the child in terms of provision U/s 26 of POCSO Act at the time of recording of the statement of the child. IO is further directed not to disclose the contents of the statement U/s 183 of B.N.S.S. of the victim to any person till charge sheet/final report is filed. Ld. Magistrate is also requested to comply direction of the Hon'ble Court dated 16.12.2021 in CRA No. 517 of 2017- Prabir Bhuiyan @ Prabir Bhuiyan Vs State of West Bengal duly circulated at the instance of the Hon'ble Court

Ld. Chief Judicial Magistrate, Cooch-Behar is also 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 along with her aunt (Pishi) be produced before that Court accordingly.

Audio-Video Recorder also be produced before the court of Ld. CJM, Cooch Behar for recording the statement of victim girl u/s-**183 of B.N.S.S.**

I.O is directed to do the needful.

Let a copy of this order along with photocopy of prayer for recording statement u/s- **183 of B.N.S.S.** be placed before Ld. Chief Judicial Magistrate, Cooch-Behar for taking necessary action.

To date (13.08.2024) for production, bail hearing and I.O's report.

Dictated & Corrected,

Sd/-

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

Sd/-

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